

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE July 18, 2006		(3) CONTACT/PHONE Karen Nall 781-5606	
(4) SUBJECT Hearing to consider an appeal by Alan and Chris Volbrecht of the Subdivision Review Board's denial of their request for a Tentative Parcel Map (CO 05-0191) to subdivide an existing 2.5 acre parcel into two parcels of approximately 1.4 and 1.1 acres each and designate the project site as a Transfer of Development Credit (TDC) Receiver Site. (Supervisory District No. 5)					
(5) SUMMARY OF REQUEST Alan and Chris Volbrecht have appealed the Subdivision Review Board's decision not to approve their request that would have allowed Tentative Parcel Map (CO 05-0191) to subdivide an existing 2.5 acre parcel into two parcels of approximately 1.4 and 1.1 acres each and designate the project site as a TDC Receiver Site. The proposed project is within the Residential Suburban land use category and is located at 9456 Carmel Road on the east side of Carmel Road approximately 0.25 of a mile north of El Camino Real, south of the city of Atascadero. The site is in the Salinas River planning area.					
(6) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Subdivision Review Board and disapproving Vesting Tentative Parcel Map CO 05-0191 based on the findings in Exhibit A.					
(7) FUNDING SOURCE(S) Appeal Fee		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel reviewed and approved the Resolution as to form and content					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input checked="" type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. <u>45 min.</u>) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; margin-top: 20px;"> <i>OK Leslie Brown</i> <i>C.6 7-18-06</i> </div>					



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: KAREN NALL, CURRENT PLANNING

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

DATE: JULY 18, 2006

SUBJECT: HEARING TO CONSIDER AN APPEAL BY ALAN AND CHRIS VOLBRECHT OF THE SUBDIVISION REVIEW BOARD'S DENIAL OF THEIR REQUEST FOR A TENTATIVE PARCEL MAP (CO 05-0191) TO SUBDIVIDE AN EXISTING 2.5 ACRE PARCEL INTO TWO PARCELS OF APPROXIMATELY 1.4 AND 1.1 ACRES EACH AND DESIGNATE THE PROJECT SITE AS A TRANSFER OF DEVELOPMENT CREDIT (TDC) RECEIVER SITE. (SUPERVISORIAL DISTRICT NO. 5).

RECOMMENDATION

Adopt the resolution affirming the decision of the Subdivision Review Board and disapproving Vesting Tentative Parcel Map CO05-0191 based on the findings in Exhibit A.

DISCUSSION

Background

This proposed project is a 2-lot subdivision that would create two parcels of 1.4 and 1.1 acres each. The Salinas River Area Plan has minimum parcel size requirement of 2.5 acres for this area. This lot could not be subdivided through a standard subdivision. However, Section 22.24.070.B.2.d, of the Land Use Ordinance (TDC Program), allows a bonus of one lot, if the site meets the locational criteria and eligibility criteria, including the site's location within 2.5 miles from an Urban Reserve Line. This project is less than 2.5 miles from the Atascadero's Urban Reserve Line, which qualifies this subdivision for one extra lot, for a total of two lots.

Staff recommended approval of this Parcel Map at the May 1, 2006 Subdivision Review Board hearing because it met the locational criteria listed in Sections 22.24.070 B.2.a, B.2.b, B.2.c, and the eligibility criteria of Section 22.24.070A of the TDC ordinance. In addition, the Parcel Map met the standards of the Real Property Division Ordinance and

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was issued a negative declaration with no environmental impacts. However, the Subdivision Review Board denied the parcel map because they found: 1) the parcel sizes were smaller than most of the existing parcels in the area and the parcels do not reflect the character of the area; and 2) the subdivision would erode the rural character between the City of Atascadero and the village of Garden Farms. On May 5, 2006 the Planning Department received an appeal of this decision from the applicant. The issue raised in the appeal is discussed below.

Appeal Issue

Issue – The applicants disagree with the Subdivision Review Board's denial reasons that proposed parcels are too small and inconsistent with the neighborhood parcel size.

Staff Response: The Subdivision Review Board in their review and subsequent denial of this project considered compatibility of the proposed project with the surrounding area.

*Although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent of the ordinance is to send development to more suitable areas and this site is **not** more suitable because it would create parcel sizes that are substantially smaller than those in the area and therefore would be inconsistent with the pattern of development in the area.*

The South Atascadero area is east of Highway 101 between Atascadero and the village of Garden Farms.

- *There are approximately 700 lots in this area that range in size from one to ten acres.*
- *The majority of parcels range in size from two to five acres.*
- *The average parcel size is 2.6 acres.*

The neighborhood defined in this report is an approximate one-fourth mile radius around the site which has the following lot size characteristics:

- *Lot sizes range from one acre to six-acre parcels.*
- *The average parcel size is 3.3 acres.*
- *One-fifth of the existing parcels in the vicinity are under the 2.5-acre minimum parcel size of the area.*
- *Three existing lots are one acre in size but were part of a cluster subdivision with a six-acre open space parcel.*

The proposed 1.4 and 1.1 -acre parcels are smaller than the 2.6 average parcel sizes in South Atascadero, smaller than the 3.3-acre average parcel size of the neighborhood, and are more than one acre smaller than the 2.5-acre minimum parcel size required of

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subdivisions in the Salinas River Area Plan.

The Salinas River Area Plan has a 2.5-acre minimum parcel size for this area to protect the rural character of South Atascadero, to provide open space and to provide enough acreage for keeping of animals. The proposed 1.4 and 1.1 acre lots are too small to provide any meaningful open space and would erode the rural feeling of the area.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel reviewed the resolution, findings and staff report as to form and legal effect.

FINANCIAL CONSIDERATIONS

The appeal fee collected covers the cost of reviewing the appeal.

RESULTS

Denial of the appeal and disapproval of this Vesting Tentative Parcel Map CO-05-0191 would not allow the subdivision of an existing 2.5-acre parcel into two parcels of approximately 1.4 and 1.1 acres each and designation of the project site as a TDC receiver site

Upholding the appeal and overturning the decision of the Subdivision Review Board would allow Tentative Parcel Map CO-05-0191 to subdivide the existing 2.5-acre parcel into two parcels of approximately 1.4 and 1.1 acres each and designate the project site as a TDC receiver site.

ATTACHMENTS

1. Maps and graphics
2. Resolution
3. Exhibit "A" Findings
4. Appeal application
5. Minutes from May 1, 2006 Subdivision Review Board hearing
6. Staff report from the May 1, 2006 Subdivision Review Board hearing

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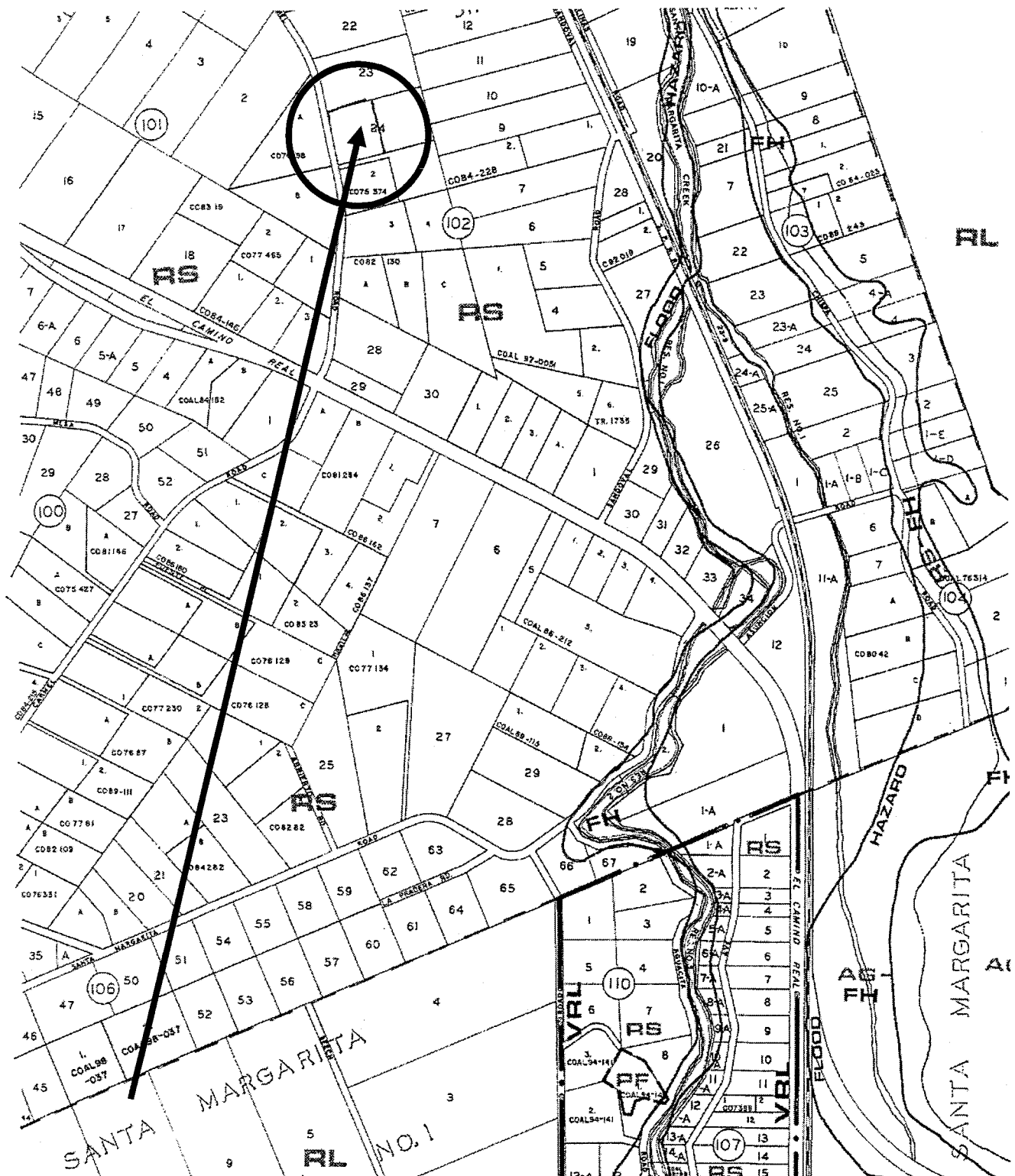


Parcel Map
Volbrecht SUB2004-00405



Vicinity

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SITE

PROJECT

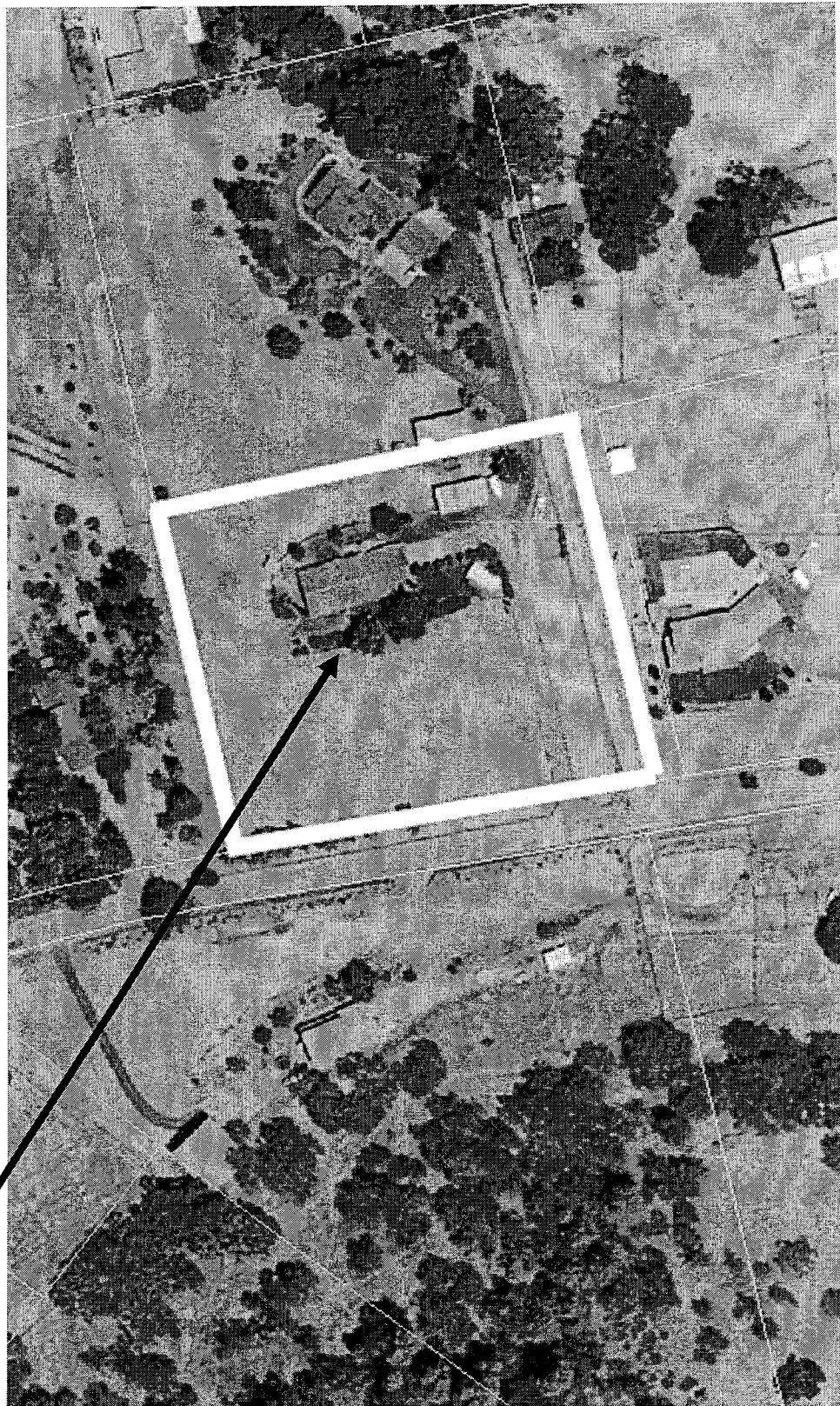
Parcel Map
Volbrecht SUB2004-00405



EXHIBIT

Land Use Category

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SITE

PROJECT

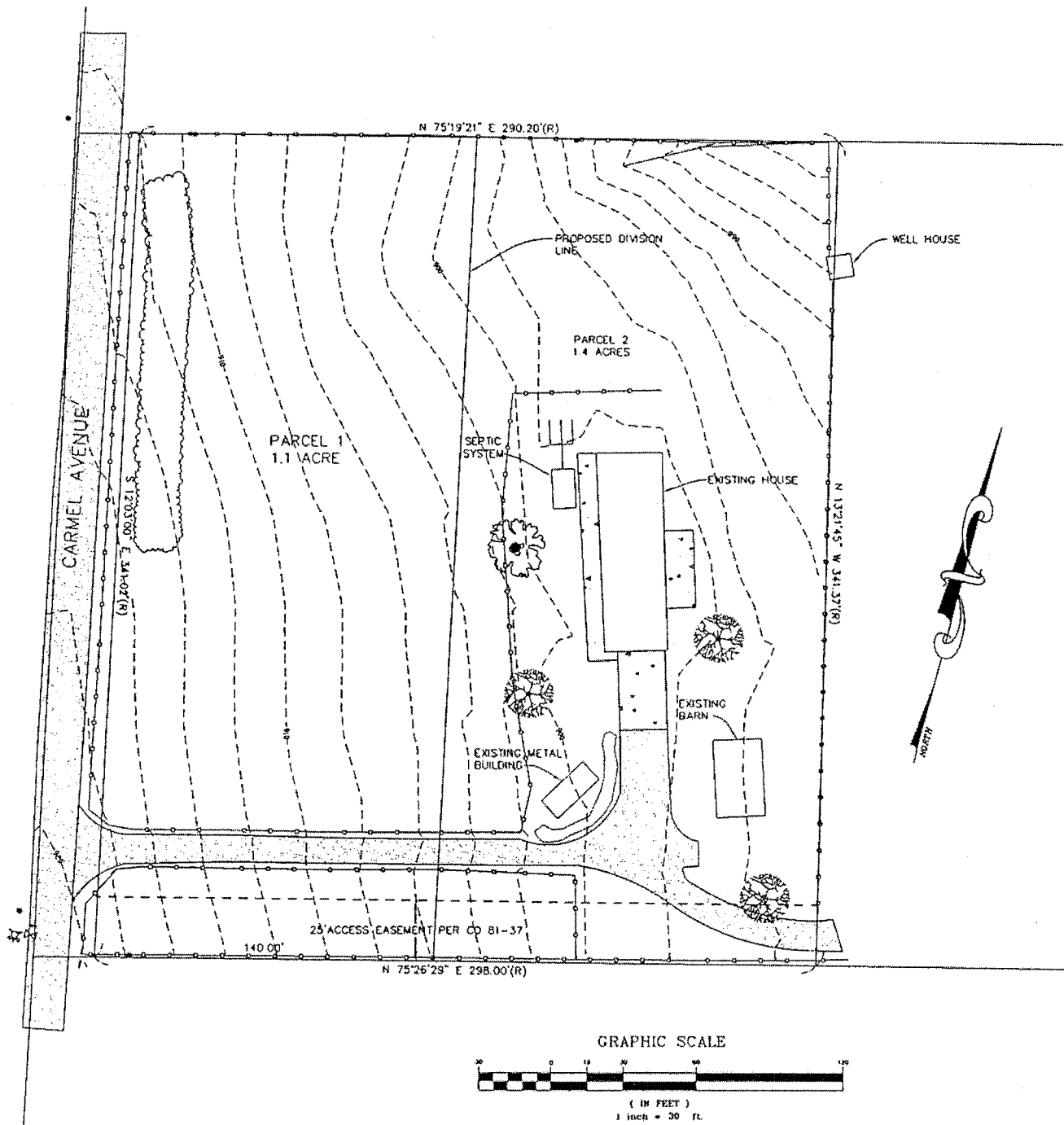
Parcel Map
Volbrecht SUB2004-00405



EXHIBIT

Aerial

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PROJECT

Parcel Map
Volbrecht SUB2004-00405



EXHIBIT

Parcel Map

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
SUBDIVISION REVIEW BOARD AND DISAPPROVING THE APPLICATION OF ALAN
AND CHRIS VOLBRECHT FOR A VESTING TENTATIVE PARCEL MAP
FOR PARCEL MAP CO 05-0191.

The following resolution is now offered and read:

WHEREAS, on May 1, 2006, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the "Subdivision Review Board") duly considered and disapproved the application of Alan and Chris Volbrecht for vesting tentative parcel map for Parcel Map CO 05-0191 and the designation of the site as a TDC receiver site; and

WHEREAS, Alan and Chris Volbrecht have appealed the Subdivision Review Board's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on July 18, 2006, and determination and decision was made on July 18, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Subdivision Review Board should be affirmed subject to the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

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3. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provision of the Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

4. That the appeal filed by Alan and Chris Volbrecht is hereby denied and the decision of the Subdivision Review Board is affirmed that the application of Alan and Chris Volbrecht for a vesting tentative parcel map for Parcel Map CO 05-0191 is hereby disapproved subject to the findings set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full, and that the request to designate the site as a TDC receiver site is hereby disapproved.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: July 3, 2006

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STATE OF CALIFORNIA,)
) ss
County of San Luis Obispo)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2006.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

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DENIAL FINDINGS - EXHIBIT A
VOLBRECHT CO 05-00191/ SUB 2004-00405

Environmental Determination

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects, which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with applicable county general and specific plans because it does not comply with General Goal 8 of Framework for Planning that states that a distinction between urban and rural development should be maintained to enhance the pattern of identifiable communities. The proposed subdivision is located between the city of Atascadero and the community of Garden Farms. The existing larger lots of this area create separation between these two communities. The proposed subdivision will erode this separation between these communities because it creates 1.1 and 1.4-acre parcels that are similar to parcel sizes within these communities.
- C. The proposed map is inconsistent with applicable county general and specific plans as described in General Goal 9 of Framework for Planning because it would erode the rural character of this area between the city of Atascadero and the community of Garden Farms by allowing for lot sizes that are consistent with the Residential Suburban land use category found in urban and village areas.
- D. The proposed map is not consistent with the county zoning and subdivision ordinances because, although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent of the ordinance is to send development to more suitable areas and this site is **not** more suitable because, if subdivided, the resulting parcels are not consistent with the size of surrounding parcels, is located outside of an urban area and therefore is not served by full public services, would create parcel sizes that are substantially smaller (1.1 and 1.4 acres) than those in the area (average of 3.8 acres) and therefore would be inconsistent with the pattern of development in the area. As such, the site is not appropriate for designation as a receiver site.

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Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Type of permit being appealed:

☐ Plot Plan☐ Site Plan☐ Minor Use Permit☐ Development Plan☐ Variance☒ Land Division☐ Lot Line Adjustment☐ Sending Site Determination☐ Other _____File Number: 0005-0191 SUB2004-00405

The decision was made by:

☐ Planning Director☐ Building Official☐ TDC Review Committee☐ Administrative Hearing Officer☒ Subdivision Review Board☐ Planning Commission☐ Other _____Date the application was acted on 5/1/06

The decision is appealed to:

☐ Board of Construction Appeals☐ Board of Handicapped Access☐ Planning Commission☒ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (attach additional sheets if necessary). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

APPLICANTS DISAGREE WITH SUBDIVISION REVIEW BOARD DENIAL OF PROJECT.
SRB REASONED THAT PROPOSED PARCELS WERE TOO SMALL,
INCONSISTENT WITH NEIGHBORHOOD PARCEL SIZE

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are

Condition Number	Reason for appeal (attach additional sheets if necessary)

APPELLANT INFORMATION

Print name: ALAN & CHRISTINE VOLBRECHTAddress: PO Box 854 SANTA MARGARITA, CA 93453 Phone Number (daytime): (805) 781-9299

We have completed this form accurately and declare all statements made here are true.

Signature: Christine Volbrecht / Alan VolbrechtDate: 5/4/06

OFFICE USE ONLY

Date Received: 5/5/06Amount Paid: 609.00By: SY

Receipt No. (if applicable): _____

Revised 7/31/01/ep

removed. No more than seven shall be removed as a result of the development of the project, and no more than two oak trees shall be impacted, but not removed, as a result of the development of the project.]. If an additional oak tree is to be removed or impacted, it too shall be subject to these tree standards. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used"; **Condition 15 amended to read: "Prior to recordation of the parcel map, the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department of Planning and Building. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.090 of Title 22. The Director shall notify the TDC Administrator of the release and specify the registration numbers of the credits that were used. After release, the credits are no longer valid and available for use", adopted.**

3. Hearing to consider a request by **ALAN AND CHRISTINE VOLBRECHT** for a Tentative Parcel Map (CO05-0191) to subdivide an existing 2.5 acre parcel into two parcels of 1.1 and 1.4 acres each for the purpose of sale and/or development and designate the project as a TDC Reciever site. The project includes off-site road improvements to Carmel Road. The proposed project is within the Residential Suburban land use category and is located at 9456 Carmel Road on the east side of Carmel Road approximately 0.25 of a mile north of El Camino Real, southeast of the City of Atascadero. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 2, 2006 for this project. Mitigation measures are proposed to address public services and recreation and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s). The hearing will also consider the request for review (appeal) of the Negative Declaration submitted by Tom and Fran Coughlin. **County File No: SUB 2004-00405.** Assessor Parcel Number: 059,181,054. Supervisorial District: 5. Date Accepted: July 29, 2005.

MS. SALO STEPS DOWN AND IS NOW ABSENT.

Karen Nall: Presents staff report and shows overhead of the project. Staff recommends approval of this project.

Mr. Euphrat: States the Board of Supervisors adopted an interim ordinance that deals with the use of transfer of development credits in this area. Was this application accepted for processing before this ordinance with staff responding yes, the project was in the pipeline.

Ms. Arlin-Genet: questions the size of neighboring parcels, with staff responding they are between 2.42 and 5 acre parcels.

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Chis Volbrecht: reads from the TDC manual regarding receiving sites. States the Planning Department has checked every regulation. She gives history of the parcel.

Alan Volbrecht: discusses urban services, RTA bus stop, and commercial services at Dove Creek and Paloma Creek Family Recreation area. Would like a modification to the A-1 road section and come up with a different road standard. Discusses the TDC program and gives definitions. Comments on the public benefits. He will construct a drainage basin that will detain existing runoff. The driveway will be constructed and paved to meet the CDF requirements.

Fran Coughlin: comments on receiving the staff report late and states she could not find it on the web page because of the new web page being under construction. She discusses letter she sent to the Santa Margarita Advisory Council signed by 30 neighbors stating their opposition to this project. Discusses concerns with the staff report. She comments on the size of surrounding parcels and feels this project will have a visual impact to the neighborhood. She speaks of her concerns regarding agricultural resources, and air quality, biological resources, ground water. She comments on TDC's and feels an EIR should be required for this property. Distributes photo board. Concerns with geology and soils, hazards and hazardous materials, noise, population and housing, public services and utilities, transportation, wastewater, water erosion, and land use.

Bob Rutledge: has concerns with page 3-8 Finding F. Page 3-15, parcel map shows wrong location for the project. Page 3-10, Exhibit B, Condition 3, has concerns with water drainage issue. Page 3-52, photo showing what happened during storm.

Julie Rutledge: discusses issue of sharing driveway with 3 homes. Shared this driveway for 19 years. Discusses her issue with drainage and her concerns with the TDC program.

Eric Greening: discusses down web site and late staff report and the need to have this item continued. Discusses TDC program. He comments on his concerns regarding traffic.

Janet Haley: discusses her husband's concerns with the TDC program. She comments on her concerns regarding traffic, noise, rural atmosphere, road maintenance, soil erosion and drainage.

Sue Owen: concerns with traffic, drainage, water table, aesthetics, and development of property. She discusses the TDC program. Cannot see a benefit to the public.

Kelly Delkener: is excited about ownership in south Atascadero and the chance to keep their children in the Santa Margarita School District. Hopes the board approves this project.

Maria Lorca: discusses TDC program. Concern with smaller parcel sizes. This project should require an EIR.

Pam Jardini: discusses the TDC program. The moratorium was put in place to allow time to study the TDC program. She states the 1 acre parcel fits in with the neighborhood.

Kathryn Sweet: distributes letter from her neighbor Mr. Ross and reads part of the letter concerning sewer issues. She discusses her concerns with water and drainage issues.

Dolores Simons: states she and her neighbors have voted 3 times against annexation into the city of Atascadero. She discusses the TDC program.

Della Barrett: discusses moratorium of the TDC program. Not compatible with the surrounding parcels. Addresses her concerns with the closeness of the house to the road.

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Robert Tartaglia: discusses the drainage on the proposed parcel. The applicant will put in a storm water detention pond to the county standards. States he recommended to the Volbrechts that on the access easement on the south side, they put in a catch basin and direct it to the northeast corner of the property where the storm water detention pond will be located. Water runoff would be lessened using the storm water detention pond.

Alan Volbrecht: addresses traffic concerns Eric Greening brought up.

Rob Lewin, CDF: states the parcel is located in a high hazard zone. On page 3-10, change Condition 3 in the second line, cross out the word "driveway" and replace with "access" and in line 3 cross out "driveway for". He states the response time is 15 to 20 minutes.

Ms. Arlin-Genet: discusses another project they heard in January and the decision to deny the project because the proposed parcels were inconsistent with the pattern of development in the area.

Karen Nall: staff discusses size of the parcels surrounding the project.

Mr. Marshall: discusses areas of concern regarding drainage and the driveway. He discusses amendment to Condition 6 regarding drainage concerns. Comments on traffic concerns.

Chairperson Euphrat: states the project is inconsistent with the neighborhood.

Karen Nall: distributes and discusses findings for denial. Staff reads findings for denial into the record.

Thereafter, on motion of Ms. Arlin-Genet, seconded by Ms. Carroll and on the following roll call vote:

AYES:	Ms. Arlin-Genet, Ms. Carroll, Mr. Marshall and Chairperson Euphrat
NOES:	None
ABSENT:	Ms. Salo,

to deny Tentative Parcel Map CO 05-0191 to ALAN AND CHRISTINE VOLBRECHT based on Findings in Exhibit A.

There being no further business, the meeting is adjourned at 12:00 p.m.

Respectfully submitted

Eleanor Porter, Secretary
County Subdivision Review Board

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Promoting the wise use of land
Helping build great communities

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

SUBDIVISION REVIEW BOARD

MEETING DATE May 1, 2006	CONTACT/PHONE Karen Nall 781-5606	APPLICANT Alan and Christine Volbrecht	FILE NO. CO 05-0191 SUB2004-00405
SUBJECT Request by Alan and Christine Volbrecht for a Tentative Parcel Map (CO05-0191) to subdivide an existing 2.5 acre parcel into two parcels of 1.1 and 1.4 acres each for the purpose of sale and/or development and designate the project as a TDC Reciever site. The project includes off-site road improvements to Carmel Road. The proposed project is within the Residential Suburban land use category and is located at 9456 Carmel Road on the east side of Carmel Road approximately 0.25 of a mile north of El Camino Real, southeast of the City of Atascadero. The site is in the Salinas River planning area. A request for review (appeal) of the Negative Declaration has been submitted by Tom and Fran Coughlin.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Parcel Map CO 05-0191 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study finds that there is no substantial evidence that the project may have a significant effect on the environment, and that the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulation section 15000 et seq.) has been issued on March 2, 2006 for this project. Mitigation measures are proposed to public services and recreation.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 059-181-054	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: Minimum parcel size – Atascadero Colony, Driveway Consolidation			
LAND USE ORDINANCE STANDARDS: Residential Suburban, Transferable Development Credits			
EXISTING USES: A single-family residence, accessory structures			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / residences <i>South:</i> Residential Suburban / residences <i>East:</i> Residential Suburban / residences <i>West:</i> Residential Suburban / residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, County Parks, CDF, and the City of Atascadero	
TOPOGRAPHY: Nearly level to moderately sloping	VEGETATION: Grasses, pines and oaks
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: July 29, 2005

ORDINANCE COMPLIANCE:

Minimum Parcel Size

Section 22.22.070 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 1 acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Average slope is between 0 and 15 %	1 acre
Water Supply and Sewage Disposal	Community water On-site septic	1 acres

PLANNING AREA STANDARDS:

Minimum Parcel Size

Salinas River planning area standard sets the minimum parcel size for land divisions in the South Atascadero area at 2.5 acres. This project proposes the use of a TDC credit. When TDC credits are used in subdivisions the base density is the minimum parcel size. In this case because the area plan minimum parcel size 2.5 acres, this is the base density for the proposed subdivision.

TDC Receiver Site

As discussed above the site qualifies for a 2.5 acre minimum parcel size. The applicant, however, has requested to be a Transfer of Development Credit (TDC) receiver site. The site qualifies as a receiver site as follows:

1. The project is recommended for a mitigated negative declaration;
2. The site is not within agricultural preserve;
3. The site is within 5 miles of an urban reserve line (Atascadero Urban Reserve Line);
4. The footprint of development is located on less than 30 percent slopes;
5. The footprint development is outside of SRA, FH, GSA, Earthquake Fault Zone and the very high Fire Hazard
6. The footprint of development is outside of a significant biological, geographical or riparian habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan); and
7. The development complies with all development standards; water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

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The base density of the project, per planning area standard, is one parcel per 2.5 acres. Section 22.24.070.B.2.d allows division of an otherwise unsubdividable parcel into no more than one additional parcel. The parcel(s) after division shall not be less than the lowest minimum parcel size allowed by the land use category. In this case, the lowest minimum parcel size in Residential Suburban land use category is one acre. This site would otherwise qualify for the one-acre minimum parcel size absent the planning area standard that sets a 2.5-acre minimum. One transfer of development credit will need to be retired prior to recordation of the final map.

Secondary Dwellings

The land use ordinance prohibits secondary dwelling in this area. Notice of this is required in the additional map sheet.

Underground Utilities

This project is conditioned to provide underground utilities per section 22.10.160.

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes an in-lieu fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

Planning Impact Area – Atascadero

The county is required to refer projects close to the city, to the city for comments. This project was referred to the city of Atascadero on July 1, 2005. No response was received.

Shared Driveways

Shared driveways are encouraged in this area. This project will be conditioned to include a shared driveway.

COMBINING DESIGNATIONS:

None

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulation section 15000 et seq.) has been issued on March 2, 2006 for this project. Mitigation measures are proposed to public services and recreation.

Request for Review

Pursuant to Section 800.00 of the County's CEQA Guidelines, a Request for Review has been received by the Environmental Coordinator's Office on March 13, 2006. Exhibit C provides the

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full text of the request for review. The applicant has provided a response to the issues raised and it is provided in Exhibit D. The CEQA issues raised are addressed below.

1. Aesthetics: The sites topography is not accurately characterized. The project will greatly change the visual character of the area specifically the adjacent neighbor's views.

Response: The site has an existing residence and at that location is nearly level. The average slope of the site is approximately 8 percent which is considered gently rolling. The project site and surrounding areas are developed with residences and accessory buildings all visible from Carmel Road. Any new construction on the subject site, regardless if the construction is an additional single family residence, addition to the existing residence, a guesthouse or accessory building, will not have a significant visual effect on the environment because the construction will not change the visual character of the area.

2. Agricultural Resources: To add another septic system and additional drainage from an additional residence will greatly impact the neighbor's ability to protect our land, water source and consequently food sources.

Response: The area is zoned Residential Suburban and is non-agricultural. No significant impacts to agriculture are anticipated. Refer to 11. Wastewater and 12. Water for comments on those issues.

3. Air Quality: Existing air quality problem in the area; adding another building project aggravates already existing problems.

Response: Based on Table 1-1 of the CEQA Air Quality Handbook, the project would result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. Increasing densities in rural areas results in longer single-occupant vehicle trips and increases emissions. In this instance, this partial inconsistency is not considered significant for the following reasons: 1) the proposed density of this subdivision is still consistent with what was assumed in the last update of the Clean Air Plan which, based in part on this density, approved the necessary control measures to achieve acceptable air quality attainment in the future; 2) standard forecast modeling (e.g., ARB URBEMIS2001) identifies that vehicles in the near future will produce substantially lower emissions (e.g., use of electric, hybrid and advanced technology vehicles); and 3) the TDC designation would allow for a slightly higher development density on the parcel than otherwise allowed, while reducing conversion pressure in other rural areas. Given the smaller number of potential new residences (one additional residence), both individual and cumulative impacts are expected to be less than significant as it relates to the Clean Air Plan land use strategies.

4. Biological Resources: There is a seasonal pond on a neighboring property which provides habitat for wild animals.

Response: Based on the latest California Natural Diversity database and other biological references, the project site does not support any sensitive native vegetation, significant wildlife habitats, or special status species.

5. Geology and Soils: The project is at the top of a big slope which goes down to a pond on a neighboring lot. Disruption of soil has a major impact on our neighborhood.

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Response: Staff agrees that future grading activities would result in soil disturbance. The Negative Declaration notes the presence of a drainage course along the northern property line, and that future development on proposed Parcel 1 could cause drainage impacts. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows. The project is conditioned to prepare a drainage and erosion control plan prior to construction.

6. Hazards and Hazardous Materials: Fire safety is a problem; the fire response time is long.

Response: The fire response time is 15 to 20 minutes per CDF letter dated August 3, 2005 (attached to the Negative Declaration). The project is within a High Fire Severity Zone within a State Responsibility Area for wild land fires. Prior to issuance of construction permits for lot development, the applicant is required to comply with local and state fire regulations, which include access road and driveway specifications, fire flow water supply, and fuel modification (100 feet surrounding all structures).

7. Noise: Due to the project locations, the neighbor's will be subject to all the noise generated from an additional residence.

Response: The site is zoned Residential Suburban, noise associated with an additional single family residence is not expected to exceed the established thresholds of the County's Noise Element.

8. Population/Housing: The TDC program allows an increase in density without an EIR being required.

Response: The TDC program does allow a higher development density on the receiver site parcel than otherwise allowed. The increase in density was not found to be a significant impact. The TDC ordinance requires all receiver sites to undergo a complete environmental determination. An EIR may be used for a receiver site provided that it does not identify significant, unavoidable adverse environmental impacts. The goal of the TDC program is to transfer density into more urbanized areas and reducing conversion pressure in outlying areas. While South Atascadero is not designated an urban area, it does have community water and is in close proximity to the Community of Santa Margarita and the City of Atascadero.

9. Public Services/Utilities: Fire and police are neighbor's concerns. Additional residences increase the need for public services that are currently not providing the level of support needed.

Response: This proposed project, along with numerous others in the area would have a cumulative effect on police/sheriff and fire protection, and schools. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

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10. Transportation: Concerns are raised regarding the speed limit, safety of pedestrians, bicyclists, equestrians and a sight distance problem of the existing driveway.

Response: Carmel Road is a local road operating at acceptable levels. The Board of Supervisors in conjunction with the California Highway Patrol sets the speed limit. Public Works is recommending that Carmel Road be widened to complete an A-1 road section. Sidewalks are not required in the Residential Suburban land use category. Carmel Road is not included as designated bike trail or equestrian trail on the County Trails Plan.

11. Wastewater: Concerns are raised regarding the impact of "slow percolation" and shallow depth to groundwater".

Response: As described in the NRCS Soil Survey, the main limitations for on-site wastewater systems relate to: slow percolation and shallow depth to bedrock
The County Environmental Health Division reviewed the percolation test and report and concluded that individual wastewater systems should adequately serve the proposed parcel (Laurie Salo; June 21, 2005).

12. Water: The neighbor disagrees that the soil is considered to have low to moderate erodibility and that the project would results in less than significant soil disturbance. The water company is obligated to serve every residence in the area, every additional user cuts down on the supply available to the existing users.

Response: The Natural Resource Conservation Service Soil Survey, has determined that the soil types include: San Andreas-Arujo sandy loams, (9 - 15 % slope), Arbuckle-Positas complex, (9 - 15 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility and low shrink-swell characteristics. The proposed parcel map is to create a 1.1 acre parcel for future residential construction. The site is moderately sloping and it is unlikely that significant site disturbance will occur. Atascadero Mutual Water Company has issued a will serve letter which indicates that they have the water needed to serve this project.

13. Land Use: The project and use of TDC's is inconsistent with the intent of the Salinas River Area Plan dictating a 2.5 acre minimum.

Response: The TDC program does allow a higher development density on the parcel than otherwise allowed by the planning area standard. The goal of the TDC program is to transfer density into more urbanized areas and reducing conversion pressure in outlying areas. While South Atascadero is not designated an urban area, it does have community water and is in close proximity to the Community of Santa Margarita and the City of Atascadero.

14. Mandatory Findings of Significance: This project will affect the quality of the surrounding environment. Concerns are raised regarding the cumulative impacts of these lots splits in our neighborhood. "TDC's were not meant to be used in South Atascadero."

Response: No evidence has been provided that there is a cumulative impact from this proposed project. As previously stated, the goal of the TDC program is to transfer density into more urbanized areas and reducing conversion pressure in outlying areas. While South Atascadero is not designated an urban area, it does have community water and is in close proximity to the Community of Santa Margarita and the City of Atascadero.

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STAFF COMMENTS:

This subdivision has several positive qualities beyond compliance with the Land Use Ordinance:

- This map meets all of Title 19 subdivision and design standards.
- The environmental review found no impacts beyond paying into existing public facilities and Quimby fees.
- Approximately one quarter of the lots in area are already below the 2.5 acre minimum parcels size set by planning area standard
- The proposed project includes a shared driveway as recommended in the planning area standard.

Neighborhood Compatibility

The proposed parcel sizes are approximately 1.4 and 1.1 acres each. The parcel sizes in the vicinity of the site are between 2.42 acres and 5 acre, with an average parcel size of 3.8 acres. One fourth of the existing parcels in the vicinity are under the 2.5-acre minimum parcel size of the area.

Density

The proposed lot is approximately 2.5 acres. This lot could not subdivide through the traditional subdivision process. This TDC subdivision increases the density of this site by one lot.

COMMUNITY ADVISORY GROUP COMMENTS:

The Santa Margarita Area Advisory Council recommended denial of the project at their November, 2005 meeting.

AGENCY REVIEW:

Public Works – Carmel Road widened to complete A-1. and provide easement .

Environmental Health - destroy on-site well.

County Parks - Pay Quimby fees.

City of Atascadero – no comment

CDF – issued a Fire Safety letter dated August 3, 2005

APCD – Does not support the project but recommends dust control, naturally occurring asbestos and developmental burning conditions during construction phase.

LEGAL LOT STATUS:

The one lot was legally created by the Atascadero Colony recorded map

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study finds that there is no substantial evidence that the project may have a significant effect on the environment, and that the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulation section 15000 et seq.) has been issued on March 2, 2006 for this project. Mitigation measures are proposed to address public services and recreation.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Suburban land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of this proposed subdivision is consistent with the applicable county general and specific plans because improvements are required as conditions of approval and the design of these parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of one additional single-family residence.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support two primary dwellings (one existing residence on proposed parcel 2 and one new residence on proposed parcel 2).
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not critical habitat fish or wildlife and the vicinity is already developed with single family residences.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Transfer of Development Credit (TDC) Receiver Site.

- k. The site qualifies as a TDC Receiver Site as follows: (1) the project is recommended for a mitigated negative declaration; (2) the site is not within agricultural preserve; (3) the site is within 5 miles of an urban reserve line (approximately 1.6 miles from the Atascadero urban reserve line); (4) the applicant has building sites and access drives

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where footprint of development is located on less than 30 percent slopes; (5) the footprint of development is outside of SRA, FH, GSA, Earthquake Fault Zone and the Very High Fire Hazard Area, because none of the site is located within these areas; (6) the footprint of development is outside of a Significant Biological, Geographical or Riparian Habitat as defined by the Natural Areas Plan (appendix B of the Ag and Open Space Element of the general plan) because none of the site is located within these areas and (7) the development complies with all development standards, water, sewage disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

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EXHIBIT B
Conditions of approval for CO 05-0191

Approved Project

1. This approval authorizes the division of a 2.50 acre parcel into two parcels of 1.1 acre and 1.4 acres each, providing verification of retiring of a Transfer Development Credit.

Access and Improvements

2. Roads and/or street to be constructed to the following standards:
 - a. Carmel Road widened to complete an A-1 section fronting the property.
3. A private easement shall be reserved on the map for access to Parcel 2 across Parcel 1 from Carmel Road. The existing driveway shall be relocated to follow the southern property boundary. Both parcels shall share this driveway for access to Carmel Road.

Improvement Plans

4. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Grading and erosion control plan for subdivision related improvement locations.
 - d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Drainage

6. Prior to map recordation, the applicant shall submit a complete drainage report prepared by a registered civil engineer to the Department of Public Works for review and approval. The report shall evaluate the existing drainage conditions and provide recommendations in accordance with Section 22.52.080 (Drainage) of the Land Use Ordinance.

Utilities

7. Electric and telephone lines shall be installed underground.
8. Cable T.V. conduits shall be installed in the street.
9. Gas lines shall be installed.

Parks and Recreation (Quimby) Fees

10. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map,

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the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

11. Prior to filing the final parcel, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

TDC Program

12. **Prior to recordation of the final map**, the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department of Planning and Building. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.090 of Title 22. The Director shall notify the TDC Administrator of the release and specify the registration numbers of the credits that were used. After release, the credits are no longer valid and available for use.

Additional Map Sheet

13. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. Prior to issuance of construction permit on Parcel 1, the applicant shall submit an drainage plan in accordance with Section 22.52.080 of the Land Use Ordinance for review and approval by County Public Works.
 - a. Prior to issuance of construction permit on Parcel 1, the applicant shall submit Erosion and Sedimentation Control plans in accordance with Section 22.52.0900 of the Land Use Ordinance for review and approval by County Public Works.
 - b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - d. That approval of the subdivision included the use of Transfer Development Credits, the number of credits used, their registration numbers, and the location and assessor's parcel numbers of the sending site.
 - e. That secondary dwellings or guesthouses shall not be allowed on all lots within the land division.
 - f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.

Miscellaneous

14. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

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15. Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
16. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING COMMUNITY WATER AND SEPTIC TANKS

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal, until public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal systems shall be designed, where feasible, for ease in ultimate sewerage.
9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

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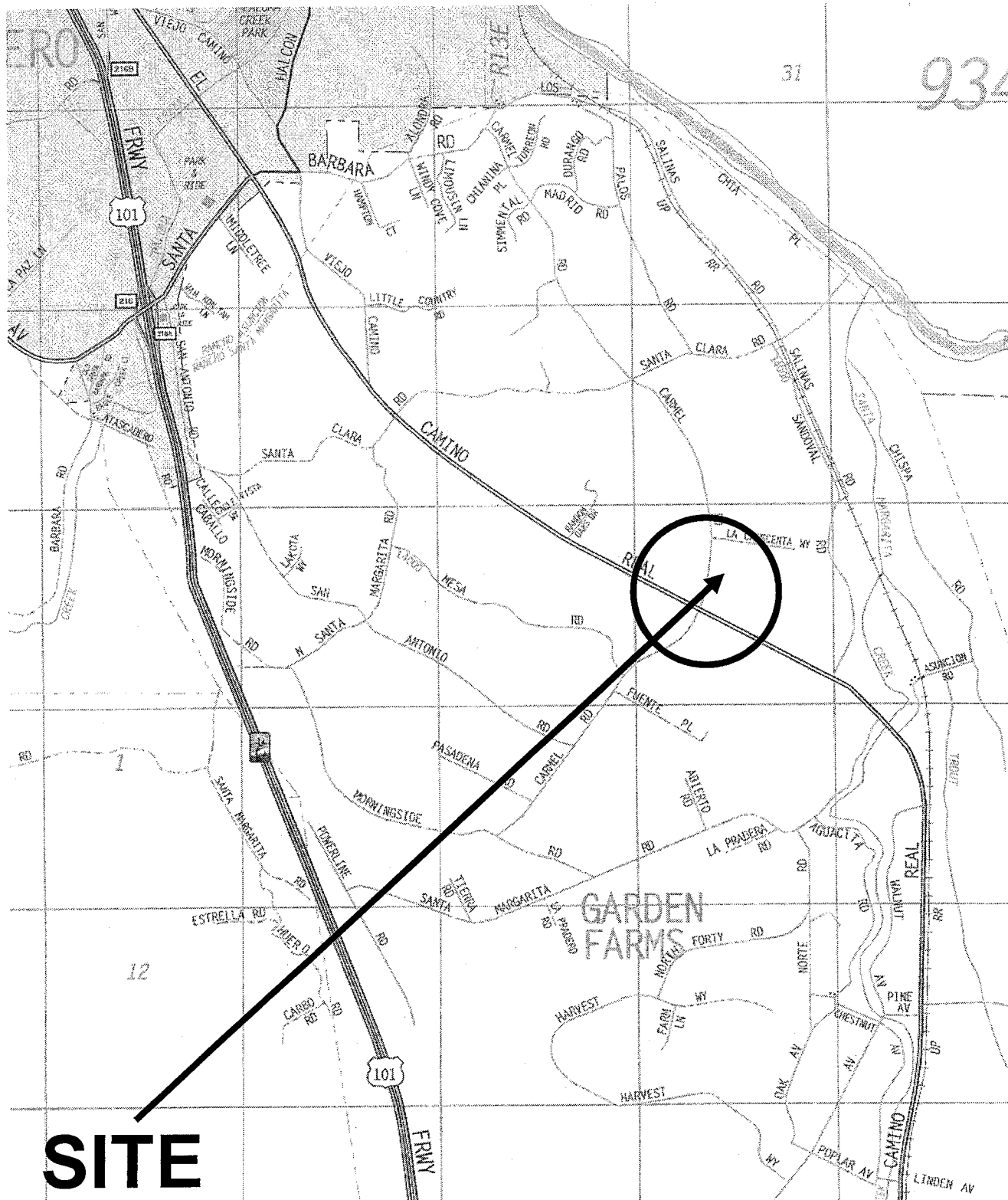
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10. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning and Health Departments for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.
11. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
12. An encroachment permit be obtained from the California Department of Transportation for any work to be done on the state highway.
13. Any existing reservoir or drainage swale on the property shall be delineated on the map.
14. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
15. Required public utility easements be shown on the map.
16. Approved street names shall be shown on the map.
17. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
18. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
19. Any private easements on the property shall be shown on the map with recording data.
20. All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to the filing of the map.
21. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
22. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
23. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees shall be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



SITE

PROJECT

Parcel Map
Volbrecht SUB2004-00405



EXHIBIT

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PROJECT

Parcel Map
Volbrecht SUB2004-00405

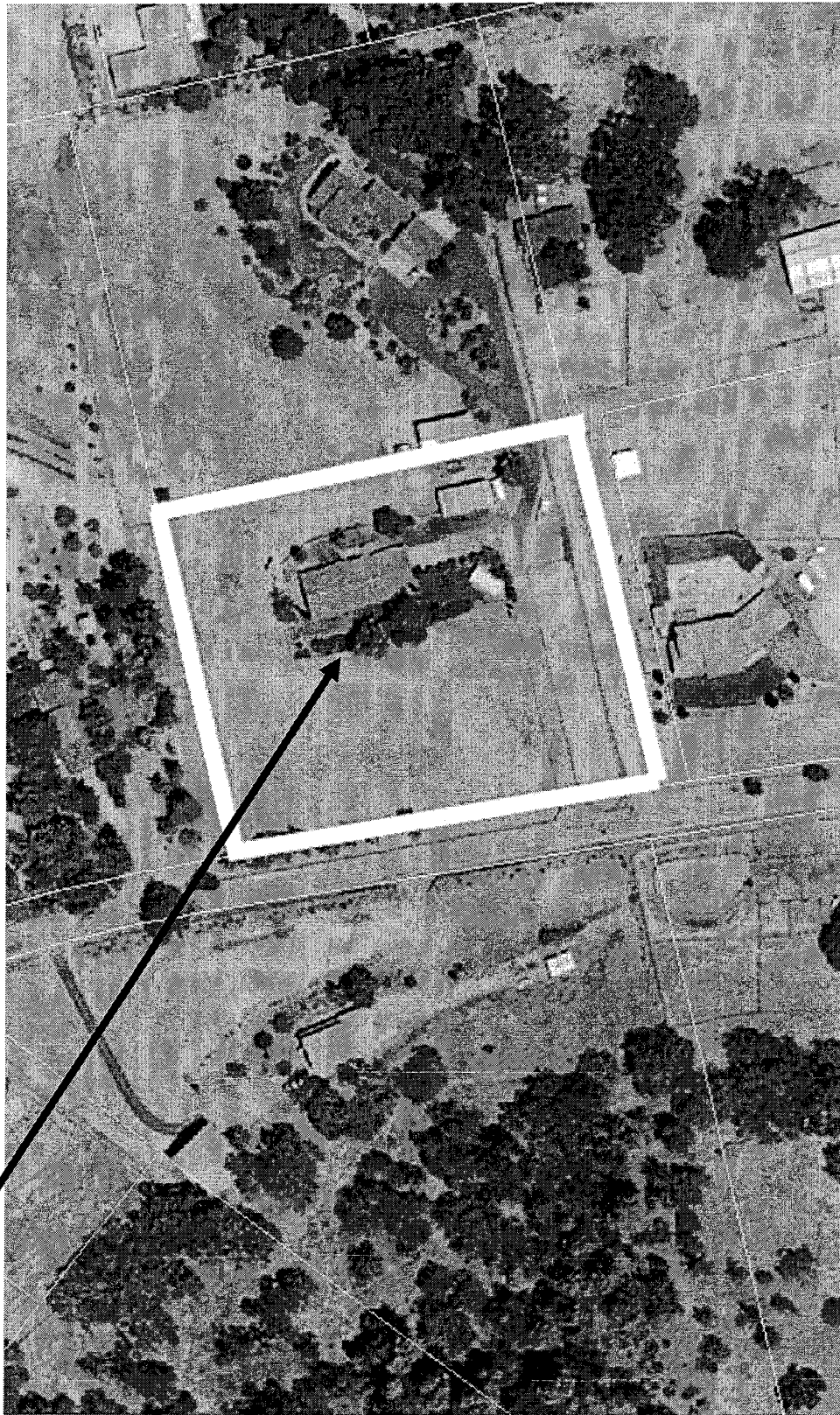


EXHIBIT

Land Use Category



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SITE

PROJECT

Parcel Map
Volbrecht SUB2004-00405



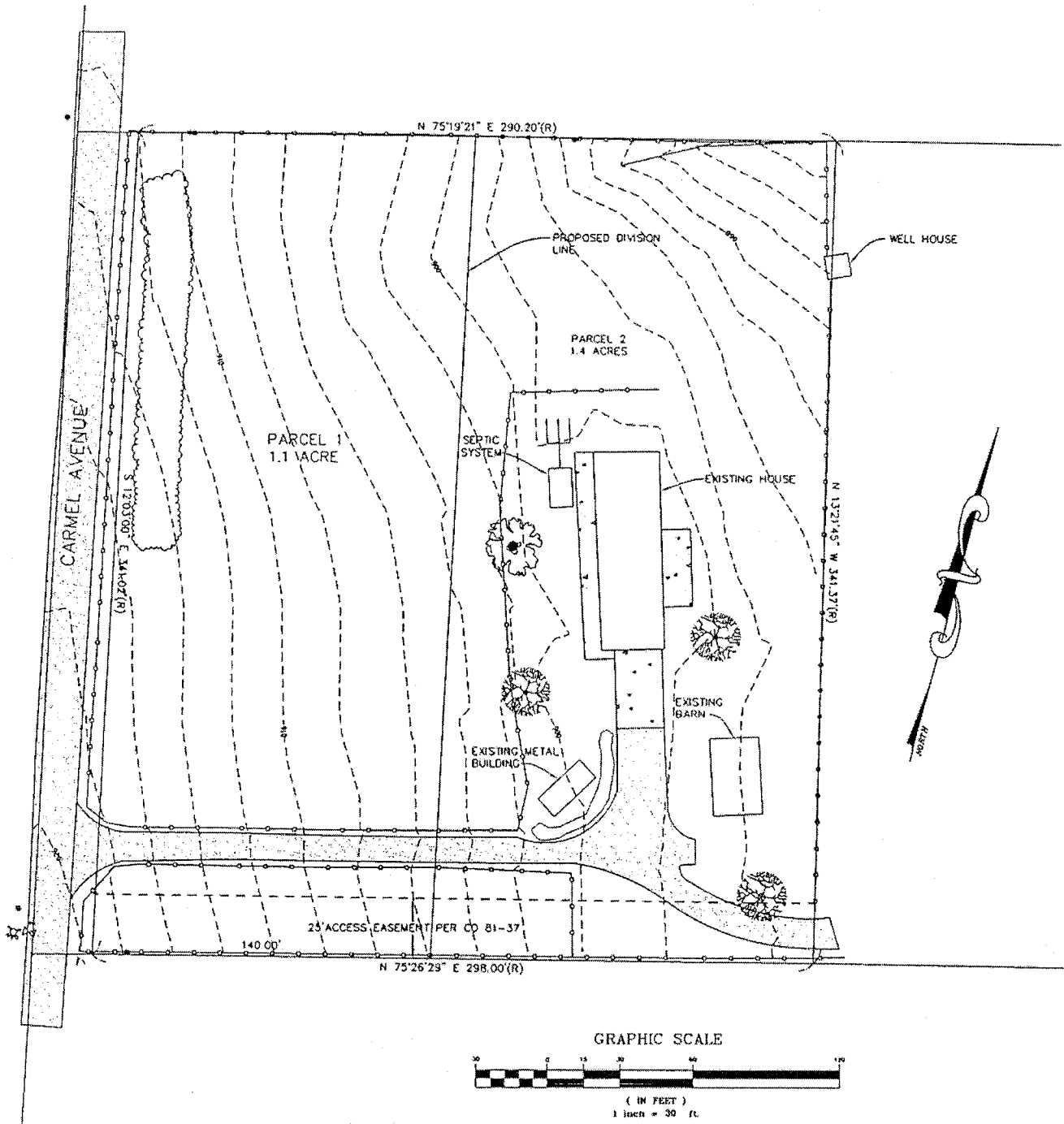
EXHIBIT

Aerial

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Parcel Map
Volbrecht SUB2004-00405



EXHIBIT

Parcel Map

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COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (KN)

ENVIRONMENTAL DETERMINATION NO. ED05-180

DATE: March 2, 2006

PROJECT/ENTITLEMENT: Volbrecht Parcel Map SUB2004-00405

APPLICANT NAME: Alan & Christine Volbrecht

ADDRESS: PO Box 854, Santa Margarita 93453

CONTACT PERSON: Same as applicant

Telephone: (805) 781-9296

PROPOSED USES/INTENT: Request to subdivide an existing 2.5 acre parcel into two parcels of approximately 1.1 and 1.4 acres for the purpose of sale and/or development and designate the project site a TDC receiver site.

LOCATION: The proposed project is within the Residential Suburban land use category and is located at 9456 Carmel Road (east side), approximately 0.25 of a mile north of El Camino Real, southeast of the City of Atascadero. The site is in the Salinas River planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
 County Government Center, Rm. 310
 San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on March 16, 2006

20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No.

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
 County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

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San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: March 2, 2006

County: San Luis Obispo

Project No. SUB2004-00405

Project Title: Volbrecht Parcel Map

Project Applicant

Name: Alan & Christine Volbrecht

Address: PO Box 854

City, State, Zip Code: Santa Margarita 93453

Telephone #: (805) 781-9296

Please remit the following amount to the **County Clerk-Recorder:**

() Environmental Impact Report	\$	850.00
(X) Negative Declaration	\$	1250.00
(X) County Clerk's Fee	\$	<u>25.00</u>

Total amount due: 1275.00

AMOUNT ENCLOSED: _____

Checks should be made out to the "County of San Luis Obispo". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. Volbrecht Parcel Map CO05-0191 SUB2004-00405 ED 05-180

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Karen Hall Karen Hall 2/22/06
Prepared by (Print) Signature Date

Jeff Oliveira [Signature] Ellen Carroll, 2/22/06
Reviewed by (Print) Signature (for) Environmental Coordinator Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Alan and Christine Volbrecht for a tentative parcel map CO05-0191 to subdivide an existing 2.5 acre parcel into two parcels of 1.1 and 1.4 acres each for the purpose of sale and/or development and designate the project as a TDC Reciever site. The project includes off-site road improvements to Carmel Road. The proposed project is within the Residential Suburban land use category and is located at 9456 Carmel Road on the east side of Carmel Road approximately 0.25 of a mile north of El Camino Real, southeast of the City of Atascadero. The site is in the Salinas River planning area.

ASSESSOR PARCEL NUMBER(S): 059-181-054

SUPERVISORIAL DISTRICT # 5

B. EXISTING SETTING

PLANNING AREA: Salinas River, Rural

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): None

EXISTING USES: Residence , accessory structures

TOPOGRAPHY: Nearly level to moderately sloping

VEGETATION: Grasses, Scattered pines, scattered oaks

PARCEL SIZE: 2.5 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Suburban; residential	<i>East:</i> Residential Suburban; residential
<i>South:</i> Residential Suburban; residential	<i>West:</i> Residential Suburban; residential

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant

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environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located on the eastern side of Carmel Road, approximately 0.25 miles north of El Camino Real, southeast of the City of Atascadero. The project consists of nearly level to gently rolling topography supporting pine and scattered oak trees, grasses, forbs, and shrubs. The project site is developed with one residence, accessory structures and barn. The surrounding area is characterized by gently to moderately sloping topography vegetated with grassland, scattered oak trees, developed with residences and accessory agricultural uses including livestock grazing and equestrian facilities. The project site and surrounding similarly developed areas are visible from Carmel Road.

Impact. The applicant is proposing to subdivide the project site into two parcels, approximately 1.1 and 1.4 acres each for the purpose of sale and/or development. The TDC designation would allow for a higher development density on the parcel than otherwise allowed. The goal of the TDC program is to transfer density into more urbanized areas. While South Atascadero is not designated an urban area it does support community water. One residence is located on proposed Parcel 2. Future residential development on the proposed Parcel 1 would not significantly change the visual character of the area and no visual impacts are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types include: San Andreas-Arujo sandy loams, (9 - 15 % slope), Arbuckle-Positas complex, (9 - 15 % slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV", and the "irrigated" soil class is "III". Surrounding land uses consist of residential development with secondary uses including horse pasture and livestock grazing. The proposed project includes zoning of the property as a Transfer of Density Credit (TDC) receiver site, which would allow a higher development density on the parcel than what would otherwise be allowed under the Residential Suburban land use category in the project area. The proposed parcel split and designation as a TDC receiver site would allow for establishment of two parcels of 1.1 and 1.4 acres, and although the proposed parcels do not meet the minimum size requirements for the project area, the site is consistent with the goals of the TDC program. Creation of one additional parcel with one single-family residence is not anticipated to cause a significant long-term impact to continued use of the property or adjacent lands for animal husbandry. The proposed parcels will meet the minimum parcel size of 1 acre needed for horses.

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. The TDC receiver site designation, creation of one additional parcel, and future construction of one single-family residence would not cause direct impacts to nearby accessory agricultural uses. Implementation of the restrictions placed on the property as a TDC receiver site and prohibition of future subdivisions and land use category changes, would reduce the conversion pressure on lands west of Highway 101. No mitigation measures are required.

3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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3. **AIR QUALITY - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. . Based on the latest air monitoring station information (per the County's RMS annual report, 2004), the trend in air quality in the general area is moderately improving, where unacceptable PM10 levels were exceeded once in 2003, which is down from 2002 (two exceedances). The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM10) that become airborne and find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e. application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. There is one existing residence on proposed Parcel 2. Future construction of one residence on proposed Parcel 1 and associated improvements would result in soil disturbance. This will result in the creation of dust, construction-related emissions, and operational emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project would result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation.

Generally, the APCD does not support fracturing of rural lands and residential development removed from employment and commercial services. The Clean Air Plan includes land use management strategies to guide decision-makers on land use approaches that result in improved air quality. The proposed project is somewhat inconsistent with the "Planning Compact Communities" strategy, where increasing development densities within urban areas is preferable over increasing densities in rural areas. Increasing densities in rural areas results in longer single-occupant vehicle trips and increases emissions. In this instance, this partial inconsistency is not considered significant for the following reasons: 1) the proposed density of this subdivision is still consistent with what was assumed in the last update of the Clean Air Plan which, based in part on this density, approved the necessary control measures to achieve acceptable air quality attainment in the future; 2) standard forecast modeling (e.g., ARB URBEMIS2001) identifies that vehicles in the near future will produce substantially lower emissions (e.g., use of electric, hybrid and advanced technology vehicles); and 3) the TDC designation would allow for a slightly higher development density on the parcel than otherwise allowed, while reducing conversion pressure in other rural areas. Based on the above discussion, given the smaller number of potential new residences (one additional residence), both individual and cumulative impacts are expected to be less than significant as it relates to the Clean Air Plan land use strategies.

Mitigation/Conclusion. No mitigation measures are necessary.

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4. BIOLOGICAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: None

Wildlife: None

Habitats: Blue Oak Foothill Pine Woodlands (Scattered <10%) on-site. Riparian Forest/ Riparian Scrub approx. 0.60 miles to the northeast, Riverine/ Riverwash approx. 0.69 miles to the northeast, Valley Oak Woodland/ Savanna approx. 0.74 miles to the northwest, Mixed Oak Woodland approx. 0.82 miles to the northwest, Mixed Chaparral approx. 0.96 miles northwest.

Impact. There are scattered oaks and pines on the subject site however, they are all located on proposed Parcel 2. Proposed Parcel 2 is currently developed with a single family residence and barn. Proposed Parcel 1 is vacant of any oaks and pine trees and no impacts are anticipated from future development of this parcel. The project site does not support any sensitive native vegetation, significant wildlife habitats, or special status species.

Mitigation/Conclusion. No significant biological impacts are expected to occur, and no mitigation measures are necessary.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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5. CULTURAL RESOURCES -
Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

d) Other: _____

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Setting. The project is located in an area historically occupied by the Obispeno Chumash and Salinan. . No historic structures are present and no paleontological resources are known to exist in the area.

Impact. The project is located in an area historically occupied by the Obispeño Chumash and Southern Salinian. The project is located in an area that would be considered culturally sensitive due to its location near the Salinas River corridor. Robert Gibson, Gibson's Archaeological Consulting conducted a Phase I (surface) survey on January 4, 2006. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS -
Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

- a) **Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?**
- b) **Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?**
- c) **Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?**
- d) **Change rates of soil absorption, or amount or direction of surface runoff?**
- e) **Include structures located on expansive soils?**
- f) **Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?**
- g) **Involve activities within the 100-year flood zone?**

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6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low to moderate. The liquefaction potential during a ground-shaking event is considered low to moderate. Active faulting is known to exist on or near the subject property approx. 0.4 miles to the east. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE - The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (Santa Margarita Creek) from the proposed development is approximately 0.35 miles to the east. There is a localized drainage course located along the northern property line. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly to moderately drained. ~~Y~~For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION - The soil types include: The soil types include: San Andreas-Arujo sandy loams, (9 - 15 % slope), Arbuckle-Positas complex, (9 - 15 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility and low shrink-swell characteristics.

Impact. Future grading activities would result in soil disturbance. Due to the existing of a drainage course along the northern property line, future development on proposed Parcel 1 could cause drainage impacts.

Mitigation/Conclusion. The project will be conditioned to prepare a drainage and erosion control plan prior to construction re is no evidence that measures above what will already be required by ordinance or codes are needed.

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project is not expected to conflict with any regional evacuation plan. The project is within a High Fire Severity Zone within a State Responsibility Area for wildland fires. Prior to issuance of construction permits for lot development, the applicant is required to comply with local and state fire regulations, which include access road and driveway specifications, fire flow water supply, and fuel modification (100 feet surrounding all structures).

Mitigation/Conclusion. The applicant is required to comply with all fire safety rules, regulations, and standards of the California Fire Code and Public Resources Code. Based on the required compliance with applicable fire codes, no additional mitigation measures are necessary.

8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Implementation of the proposed parcel map would result in the potential construction of one additional residence south of the City of Atascadero. The future development would not displace existing housing or people, or use a substantial amount of fuel or energy to construct and maintain. No significant population and housing impacts are expected to occur as a result of the proposed parcel map.

Mitigation/Conclusion. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

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10. PUBLIC SERVICES/UTILITIES -
*Will the project have an effect upon,
 or result in the need for new or
 altered public services in any of the
 following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Parkhill Station 40) is approximately 5.26 miles to the southeast. The closest Sheriff substation is in Templeton, which is approximately 10.79 miles northwest of the proposed project. The project is located in the Atascadero Unified School District. This proposed project, along with numerous others in the area would have a cumulative effect on police/sheriff and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on the County Trails Plan the proposed project site is located within the Salinas River trail corridor. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. The proposed project will not create a significant need for additional park or recreational

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resources.

Mitigation/Conclusion. The "Quimby" fee will adequately mitigate the project's impact on recreational facilities. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The proposed project site is located on the eastern side of Carmel Road, a local road connecting El Camino Real and Santa Clara Road. This road provides access to residential development in the area, and is operating at an acceptable level of service.

Impact. There is an existing residence on proposed Parcel 2. Future development on proposed Parcel 1 is limited to one single family residence which is estimated to generate about 10 trips per day, based on the Institute of Traffic Engineer's manual of 9.6 average daily trips per residence. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

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13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The existing residence on proposed Parcel 1 utilizes an onsite individual wastewater system. Future residences on proposed Parcel 2 would also be served by an on-site individual wastewater system. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relate to: slow percolation and shallow depth to bedrock. These limitations are summarized as follows:

Shallow Depth to Bedrock – indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch.

Impact. The County Environmental Health Division reviewed the percolation test and report and concluded that individual wastewater systems should adequately serve the proposed parcel (Laurie Salo; June 21, 2005).

Mitigation. Based on standard requirements and regulations, no additional mitigation measures are required.

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project proposes to use a community system (Atascadero Mutual Water Company) as its water source. Atascadero Mutual Water Company issued a preliminary will-serve letter to the applicant (Laurie Salo; June 21, 2005). The County Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be approximately 1.7 acre feet/year (AFY), including the existing residence:

Two residential lots (w/primary (0.85 afy x 2 lots) = 1.7 afy

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

The topography of the project is nearly level to moderately sloping. The closest creek (Santa Margarita Creek) from the proposed development is approximately 0.35 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility.

Based on the size of the proposed parcel and underlying nearly level to gently sloping topography, the potential for erosion and off-site sedimentation during future grading activities is low, and impacts to surface water as a result of soil disturbance would be less than significant.

Mitigation/Conclusion. No significant impacts to surface water or water supply were identified, and no mitigation measures are necessary.

15. LAND USE - Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). The project is not within or adjacent to a Habitat Conservation Plan area. Surrounding land uses include residences and accessory agricultural uses. The proposed project is a subdivision of one approximately 2.5-acre parcel into two parcels approximately 1.1 and 1.4 acres utilizing the transferable development program. The proposed parcel split would create parcels that are smaller than the surrounding parcel size but it is in compliance with the goals of the TDC program to transfer development into more urbanized areas. The TDC designation would restrict further subdivision of the project site.

Mitigation/Conclusion. The applicant's proposal includes a request for the parcel to be designated a TDC receiving site. This would allow the subdivision of a 2.5-acre parcel into two parcels 1.1 and 1.4 acres each, despite a Salinas River Area Plan standard that requires a 2.5-acre minimum parcel size for this area of the county. This project meets the criteria for a TDC receiving site; therefore, it is consistent with the County's land use policies and no additional measures are required. In addition, the Land Use Ordinance prohibits secondary dwellings in the south Atascadero area. No mitigation measures are required.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in</i>				

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connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

☐☒☐☐

- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Santa Margarita Advisory Council</u>	In File**
<input type="checkbox"/>	Other _____	Not Applicable

** "No comment" or "No concerns"-type responses are usually not attached

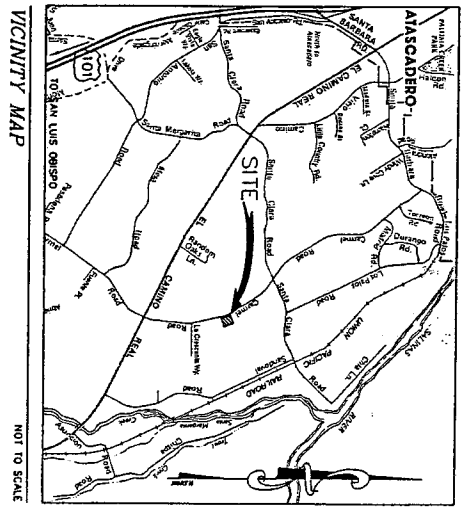
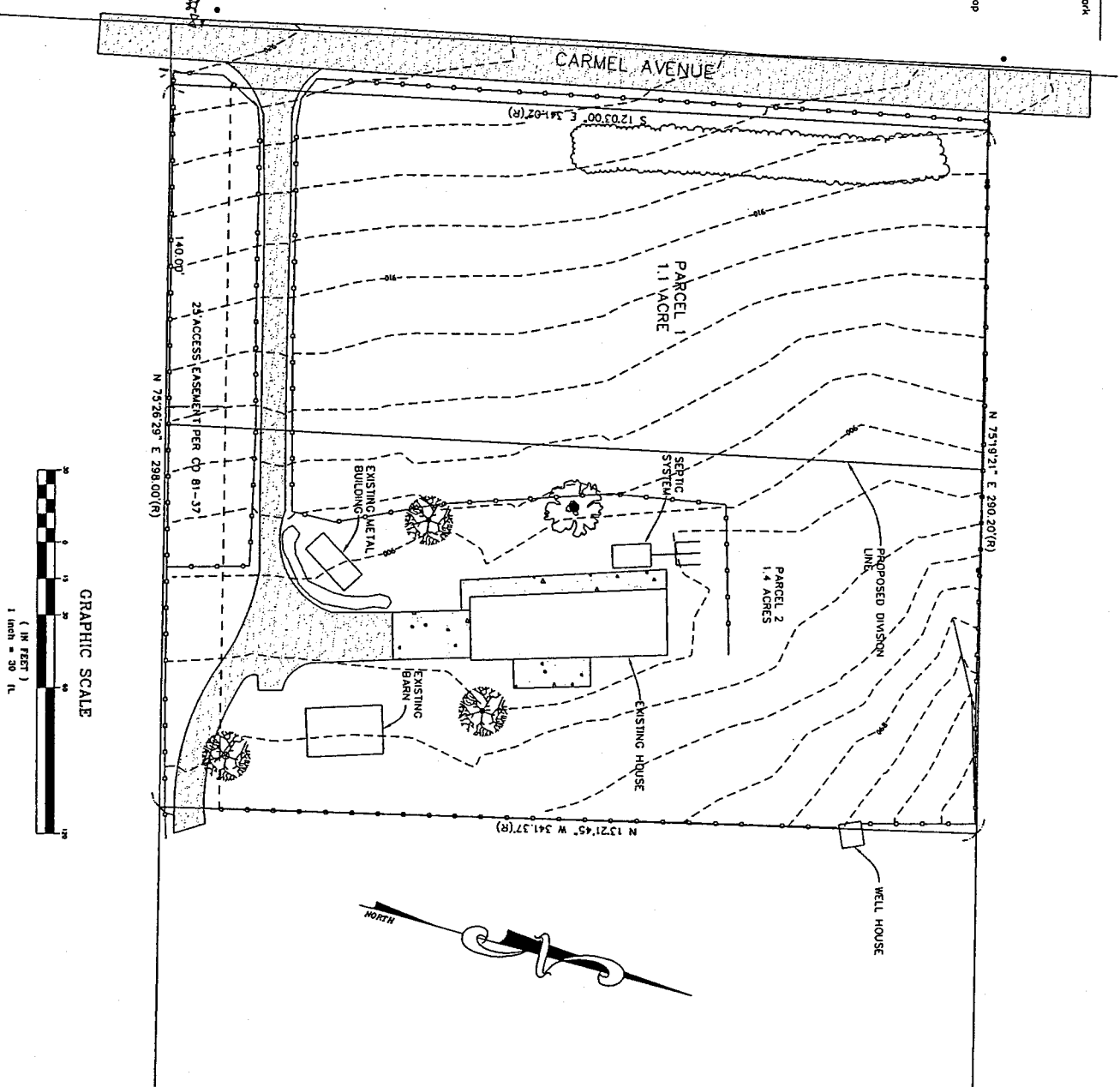
The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- | | |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application | <input type="checkbox"/> Area Plan and Update EIR |
| <u>County documents</u> | <input type="checkbox"/> Circulation Study |
| <input type="checkbox"/> Airport Land Use Plans | <u>Other documents</u> |
| <input checked="" type="checkbox"/> Annual Resource Summary Report | <input checked="" type="checkbox"/> Archaeological Resources Map |
| <input type="checkbox"/> Building and Construction Ordinance | <input checked="" type="checkbox"/> Area of Critical Concerns Map |
| <input type="checkbox"/> Coastal Policies | <input checked="" type="checkbox"/> Areas of Special Biological Importance Map |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland) | <input checked="" type="checkbox"/> California Natural Species Diversity Database |
| <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: | <input checked="" type="checkbox"/> Clean Air Plan |
| <input checked="" type="checkbox"/> Agriculture & Open Space Element | <input checked="" type="checkbox"/> Fire Hazard Severity Map |
| <input checked="" type="checkbox"/> Energy Element | <input checked="" type="checkbox"/> Flood Hazard Maps |
| <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements) | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input checked="" type="checkbox"/> Housing Element | <input checked="" type="checkbox"/> Regional Transportation Plan |
| <input checked="" type="checkbox"/> Noise Element | <input checked="" type="checkbox"/> Uniform Fire Code |
| <input type="checkbox"/> Parks & Recreation Element | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) |
| <input checked="" type="checkbox"/> Safety Element | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) |
| <input checked="" type="checkbox"/> Land Use Ordinance | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Real Property Division Ordinance | |
| <input type="checkbox"/> Trails Plan | |
| <input type="checkbox"/> Solid Waste Management Plan | |

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- LEGEND**
- Temporary Benchmark
 - Water Valve
 - Fire Hydrant
 - Fence
 - Sign Post
 - Tree
 - Utility Pole with Drop



SURVEY NOTES

1. Bearing and distances per 31 PM 79 and shown hereon for informational purposes only.
2. Contours: Contour elevations were adjusted to the 920 contour on the Santa Margarita Quadrangle.
3. Survey Date: May, 2005

PREPARED FOR
 Alan & Christine Vobrecht
 PO Box 854
 Santa Margarita, CA 93453
 APN: 039-181-054

**VESTING
 PARCEL MAP
 CO 05-0191**

BECING A SUBDIVISION OF PARCEL B
 OF CO 81-37, A PORTION OF LOT
 24 OF BLOCK 102 OF THE
 ALASCADERO COLONY,
 CITY OF ALASCADERO,
 COUNTY OF SAN LUIS OBISPO,
 STATE OF CALIFORNIA.



POST OFFICE BOX 299
 SAN LUIS OBISPO, CA 93406
 (805) 781-9296

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June 21, 2005

Volbrecht Surveys
P.O. Box 299
San Luis Obispo, CA 93406

ATTN: SCOTT JORDAN/ALAN VOLBRECHT
RE: TENTATIVE PARCEL MAP CO 05-0191 (VOLBRECHT)

Water Supply

This office is in receipt of a **preliminary** can and will serve letter from the Atascadero Mutual Water Company to provide water to the above referenced project. Be advised that a final will serve letter will be required prior to recordation of the final map. Water distribution improvements shall be built to each parcel or construction of the water line improvements may be delayed by way of a county approved performance bond.

Also, in order to protect the public safety and prevent possible groundwater contamination, any wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Environmental Health Services destruction standards. The applicant is required to obtain a permit from the Environmental Health Agency to properly destroy all existing wells on the property. The destruction shall be completed prior to recordation of the final map.

Wastewater Disposal

A system is currently located on proposed parcel 2. Comprehensive soil testing has been performed on proposed parcel 1. Individual wastewater disposal systems, designed and constructed to meet county and state requirements, should adequately serve the parcels.

CO 05-0191 is approved for Health Agency subdivision map processing.

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Kami Griffin, County Planning
North County Team, County Planning
AMWC

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX: (805) 781-4211

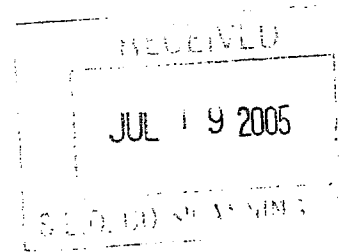
Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

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AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO



DATE: July 15, 2005

TO: North County Team
San Luis Obispo County Department of Planning and Building

FROM: Andy Mutziger, Air Quality Specialist *AM*
San Luis Obispo County Air Pollution Control District

SUBJECT: Volbrecht Subdivision South of Atascadero Using a TDC (CO 05-0191,
SUB2004-00405)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed subdivision of a 2.5 acre Residential Suburban parcel at 9456 Carmel Road in Atascadero into 1.1 and 1.4 acre parcels using a Transfer Development Credit (TDC). Without a TDC, the Planning Area Standard for this area does not allow subdivisions less than 2.5 acres. The site is south of the Atascadero urban reserve line (URL). The proposed larger parcel would include existing single family dwelling, a barn, and metal building. If this subdivision is allowed, the smaller parcel can be developed. *The following are APCD comments that are pertinent to this project.*

This project, like so many others, falls below our emissions significance thresholds and is, therefore, unlikely to trigger a finding of significant air quality impacts requiring mitigation. However, we are very concerned with the cumulative effects resulting from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency of private auto use as the only viable means of access to essential services and other destinations. This is inconsistent with the land use planning strategies recommended in the Clean Air Plan, which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines. The CAP recommends that areas outside the URL be retained as open space, agriculture and very low-density residential development

The APCD recognizes that there are significant human-interest issues that are difficult to overcome, such as the desire of some applicants to settle estate matters through property splits. However, we believe it is important to emphasize to decision makers that subdivision and future development on these, and similar rural parcels throughout the county allows a pattern of development to continue that is ultimately unsustainable. Such development cumulatively contributes to existing stresses on air quality, circulation and other natural and physical resources and infrastructure that cannot be easily mitigated. **We do not support this type of development.**

Should this project continue to move forward against our recommendation, the following APCD comments will be appropriate for any future development:

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

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CONSTRUCTION PHASE EMISSIONS:

Dust Control Measures

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule.

APCD staff recommend the following measures be incorporated into the project to control dust:

- Reduce the amount of the disturbed area where possible,
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
- All dirt stock-pile areas should be sprayed daily as needed,
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Tim Fuhs of our Enforcement Division at 781-5912.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

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OPERATIONAL PHASE EMISSIONS:

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for operational phase emissions. However, if wood burning devices are installed, District Rule 504 will apply to this project.

Residential Wood Combustion

Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units. These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

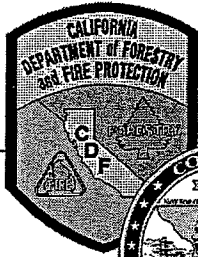
Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AJM/lmg

cc: Applicant: Alan & Christine Volbrecht
Tim Fuhs, APCD Enforcement Division
Karen Brooks, APCD Enforcement Division

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KBN 3-47

CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

August 3, 2005

North County Team
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Parcel Map Project # SUB2004-00405 (CO 05-0191)

Dear North County Team,

I have reviewed the referral for the parcel map plans for the proposed two parcel subdivision project located at 9456 Carmel Road, Atascadero, CA. This project is located approximately 15 to 20 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.

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- All roads must be able to support a 20' ton fire engine.
 - Road must be named and addressed including existing buildings.
 - A turnaround must be provided if the road exceeds 150 feet.
 - Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

☒ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☐ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

Other: If access to parcel one will be the existing driveway that currently serves parcel two, then that driveway will be designated as a "road" and will have to meet approved road standards stated above.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Chad T. Zrelak

Chad T. Zrelak

cc: Volbrecht

*C.b
W*



Exhibit C

3-44

San Luis Obispo County

Department of Planning and Building
environmental division

REQUEST FOR REVIEW OF A PROPOSED NEGATIVE DECLARATION

1. PERSON FILING THE REQUEST:

Name Tom and Fran Coughlin
Address 9460 Carmel Rd
Atascadero, Ca 93422
Phone # 805 461 3334 (daytime)

2. NAME OF PROJECT:

Volbrecht Parcel Map SUB2004-004053. REASONS FOR REQUEST FOR REVIEW: see attached

A letter stating your reasons for filing a Request for Review of the proposed Negative Declaration must be attached. Issues must be related to the environmental effects of the project.

4. FILE REVIEW

The person(s) filing the request has reviewed the project files and environmental information and has met with Environmental Division staff to discuss the Request for Review:

☒ Yes☐ No

5. SIGNATURES

I/we hereby request a review of the proposed Negative Declaration.

Signed:

Frances J. Coughlin
Name3/10/06
Date9460 Carmel Rd

Signed:

Wanda Martin
Name3/10/06
Date14284 Sandover Rd
Atascadero

Signed:

Robert F. Rutledge
Name ROBERT F. RUTLEDGE3/10/06
Date9448 CARMEL RD

6. FEES

Your Request for Review must be accompanied by the appropriate fee. This fee is currently \$55. Please include a check, made out to "The County of San Luis Obispo" for this amount.

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March 8, 2006

To: Environmental Division of the Planning Department

From: Tom and Fran Coughlin
9460 Carmel Road
Atascadero, Ca 93422
805-461-3334

Re: 9456 Carmel Road, South Atascadero
Volbrecht Parcel Map SUB2004-00405
Environmental Determination No. ED05-180

This is to advise the San Luis Obispo County Department of Planning that we are requesting for review of the above proposed negative declaration. We request this review for the following reasons.

1. Aesthetics- We are concerned that the project is described to be on nearly level to gently rolling topography. The surrounding area is described to be at the most moderately sloping topography. This is not correct in that there is a very steep unusable hill directly across the street that is important when we look at drainage issues. In addition this project is on land with significant slope that is uphill from major drainage paths down to the Sandoval Road area below the project. In addition, the accessory agricultural use in the area also includes an organic orchard and grapes directly adjacent and down stream from the proposed project. Also there are other fruit orchards on the street.

In addition, the project is not compatible with the surrounding properties in that there are three five acre parcels and three 2.5 acre parcels directly adjacent to this proposed project. This would greatly change the visual character of the area and there indeed are visual impacts to those of us who bought into this area with the Salinas River Planning area minimum of 2.5 acres. This property is directly in front of two neighbors who presently have a wonderful view of the neighboring mountain range and this project will greatly affect the expectation these neighbors had when they bought into the neighborhood, that there would not be any more building on adjacent land. This will especially impact our property at 9460 Carmel Road because the proposed house will sit directly next to our back yard and change the rural character of our home as well as our neighboring view. We will no longer have any privacy when we are outside our house.

Please make the above changes to the report to reflect accurate information about this project.

The bottom line is that this project is being proposed in a rural area not urban and that it is superseding the local zoning. Using a TDC to go around the existing laws does have a major impact on the neighborhood.

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2. Agricultural Resources- There is an organic orchard and vineyard directly adjacent to the proposed project and directly in the drainage path from this project. Our sole water source for this orchard is at a depth that will be affected by this project. Also because of the poor drainage and the type of soil and depth of the bedrock our orchard would receive all of the drainage from this property. In the past this has not been an issue, but to add another septic system and additional drainage from a house will greatly impact our ability to protect our land and water source and consequently our food sources.

Once again the "goals" of TDCs are mentioned over and over again in this report. You are well aware, however, that there is a moratorium on them because of major flaws. This project is one of those flaws. Lastly, to say that one more house will not impact the neighborhood does not take into consideration the cumulative impact of three TDCs that are proposed within one block of Carmel. The resultant impact of TDCs is that the rural character of our neighborhood will gradually change as more houses are added.

3. Air Quality- While this single house will not legally impact the air quality according to some "standard" there is a cumulative impact of this residence on the neighborhood. Because of how our neighborhood is adjacent to this giant hill, and because of the mountain range within view, we are subject to any air byproducts and air quality problems coming from within our area and sometimes from out of the area. To give you a big example, when there are burn days or small fires on the hills, or a barbecue on neighboring land we smell it and see the smoke in the air. Although we are not air quality control experts, for years we have been concerned with the air quality because of the topography of our land and because of a history that has shown the innate problems of more traffic and more people. It has been our experience that this part of Sandoval and Carmel has its own micro climate because of the air circulation pattern between the large hill and the mountains. Adding more homes only aggravates an already existing problem.

This report discusses soil disturbances with building. Because of our air quality and topography, we have major concerns about the increased disturbances of the land. We have seen the result of overgrazing on this land and the impact of dust and soil disturbances. It does exist and starting another building project will only aggravate an already existing problem. Once the house is built, we will see more cars, not just of the residents at this house but everyone who visits them. In addition, people who move to the "country" tend to want to buy livestock. This is not monitored by anyone and we have seen increased livestock as the land around us is developed. This causes more soil disturbance. We feel these needs to be taken into consideration. When you add two other TDCs in one block, you have a problem. The fracturing of rural land and the cumulative impact needs to be evaluated more than it has in this report.

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4. Biological Resources- As we have mentioned, the majority of this piece of land drains onto our property and then down into a pond on the adjacent Sandoval property. This pond was manmade many, many years ago. It has turned into a "natural" pond that is fed by the land above including this parcel. In that pond area we know there is a family or more of raccoons, foxes, and most likely other animals as well as frogs and water fowl. The wild animals use this seasonal pond for water and are regularly seen traveling through the surrounding properties to go to the pond. This includes the deer that live in the surrounding oak forests. When there is not standing water it still is a habitat to the animals because of the vegetation that is being nurtured by the moist soil. In the fall migratory birds land on the trees near the pond. We feel the impact of this project has not taken into account the impact of building and having runoff water going to this pond. Half of the water in the pond comes from this proposed building site. Within this block, we see many wild animals on a regular basis. Building more houses just stresses the local wildlife and disrupts their habitat.

Please keep in mind that under the TDC program as it now exists, adding air pollution by dividing below the minimum lot size in South Atascadero does not actually relieve air pollution in the rural sending site area. That is because each sending lot creates five or six receiving lots (because of the formula used to make sure the sender receives full value). In addition, the sender retains full rights to build such things as a winery, bed and breakfast, and worker housing – all of which would be likely to generate more air pollution than a single family house.

5. Geology and soils- As we have stated before, this project is at the top of a big slope that goes down to a pond and then overflows onto Sandoval. We have seen the continued loss of topsoil from this property with overgrazing. The drainage is much worse than it was when we first moved here in 1983. Adding a house with more soil disruption will only worsen the situation. Any soil disruption has only increased the amount of "stuff" that comes onto our land. When the "new" neighbors use weed killers, fertilizer, or pesticides in the future, or have an excessive numbers of large animals our soil will be affected. This developer has already cut down a row of trees that was at the top of the property that shielded some of the water runoff from the steep hill above. In addition, if you disrupt the natural drainage plan to "protect" the soil disruption then you affect the pond that has many habitats. The easiest way of dealing with this problem is to not build, TDC or not. Once again this project is not "nearly level" as described in the report but rather is part of a larger sloped system. Lastly, this whole block is uphill from properties down on Sandoval. Disruption of soil has had a major impact on our neighborhood, especially those downhill. Remember that there is not only a site specific impact but also a cumulative impact as all three of the proposed TDCs on our block are uphill from the drainage path.

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Construction of the home at 9448 Carmel Rd (directly behind and down slope of 9456) began in early 1988. Two weeks after a mild February rain, during this year of prolonged drought, concrete trucks and other heavy equipment utilized the approved all-weather road to begin the foundation pour. ALL of the arriving equipment broke through the road surface due to underlying soil conditions (and existing drainage problems) and were stuck, axle deep, on the project site. Additionally, these vehicles destroyed the asphalt driveway of 9456 due to the same soil conditions. The addition of yet another home on the proposed subdivision (and potential "Granny/guest" structures on EACH parcel) will increase soil drainage problems based on the reduction of exposed soil for absorption, therefore increasing run-off to adjacent properties. The drainage issue once again arises when considering the recently added "road base" driveway to 9448 Carmel.

6. Hazards and Hazardous Materials- Fire safety is a huge problem in our neighborhood. We have already in the last eight years had two fires on adjacent property to the proposed site. We in the neighborhood are very cognitive of this risk. Historically, increased density in the urban interface brings with it a greater risk of fire potential. In addition to the above there have been two major forest fires that came within "striking distance" to our area of Sandoval and Carmel. Because of our neighborhood position we were left to our own evacuation plan. The fire response time is very poor because of distance of the fire crews and distance from the city limits. You ask any fire person who responds to us and you will be told it is far from ideal. We request you do a "reality" check of what adding more residences in this rural area that will increase the fire hazard risk to the neighborhood.
7. Noise-Because this proposed project is right on top of our back and front yard, which are the same at our house, we will be subject to all ambient noise from the addition of another house. Because of the steep hill adjacent to this project and the mountains on the other side, noise is propagated throughout the valley. We ask once again that you consider this in you reevaluation of this project. Spend some time here and you will see how noise travels. This is supposed to be a rural area. Adding more houses only urbanizes our area for those of us who moved here to be in the country, thinking we could rely on our Area Plan to keep it semi-rural.
8. Population/Housing- I am not sure why you think adding another house or houses through the TDC plan will not induce substantial growth. House by house does induce substantial growth to those of us who moved here assuming the law would not allow more growth. In addition, you can be sure that this project will not fall under the "affordable housing" intent of the County. This developer intends to make money off this property and we the neighbors ask you to address this in the report. With the TDC program, you are increasing our density one house at a time without an EIR being required.

C-66

9. Public Services/Utilities- Fire and police are one of our biggest concerns. We request you to speak with local CDF regarding response times to our area from the Parkhill Station.. We had the occasion to call for fire backup this last fall when our oven cleaner system malfunctioned and we had an internal fire. The city fire department finally got here after many minutes. It was 20 minutes before the emergency responders from the Parkhill station arrived. We have also had to call the Sheriff on one occasion in the middle of the night. Their response time was very slow because of the scarcity of sheriffs in the area. Our road is managed by the Highway Patrol because of the rural classification of the road. Forget getting them here in any quick response. Those of us who live here approach public service response as a last ditch option because of the rural nature of our houses. When you add more houses you increase the load on public services that are not equipped to provide the level of support that is needed in our area. Highway patrol says the speed limit on our 1 ½ lane road is unenforceable and unchangeable in reality. We request you to address these concerns and realities of our neighborhood within the report.
10. Transportation- We have already discussed the number of vehicle trips including visitors to the neighborhood. Witness an SUV and truck next to each other near mailboxes and watch what happens. Then add the speed limit of 55 miles per hour. We request you to address the existing and future safety of our children walking to the bus stop. We also request you to address the regional bicyclists who use this portion of Carmel as a way of going around Atascadero. We also request you to accept responsibility through planning of our children riding their bikes down to the riverbed and back. We also request you to evaluate the horse traffic from all areas of South Atascadero on a typical sunny weekend as they cut through Carmel to get to the Riverbed to ride off roads. Please address how you plan to make it safe for our kids who live and travel on this narrow road. Lastly, the proposed driveway is blind to cars coming in both directions until they are right on top of the drive. I know this because we are adjacent and our drive is also blind from that direction. Remember that the speed limit is 55MPH and with this speed limit the danger to residents and animals will increase substantially by allowed more houses to be built here. I don't think that any "urban area" as proposed, has a speed limit of 55MPH. Please address all of these issues.
11. Wastewater- Once again without repeating too much, we request you to speak to the impact of the "slow percolation", and "shallow depth to bedrock" with regard to the effects that water runoff will have on our organic orchard as well as on the pond in the back. We also have a well at about 200 feet depth that will be directly affected by this runoff due to the slope from this project to our land. We are greatly concerned that adequate soil filtration will not in reality take care of the problem. We also request to know where the proposed leach line is to be located and where the back up piece of property is in case the leach line fails. How close is all this to our property? We also request you to notify the neighbors on Sandoval how the wastewater will be handled that is to go into their pond and

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runoff onto their property. It is unacceptable for us to have you state that this is an insignificant impact on the surrounding properties.

12. Water- We disagree that the soil surface is considered to have low to moderate erodibility. This property has been over-grazed and has eroded into our property for years. For many winters we have had several inches of mud deposited in our orchard from the project property after a normal rainstorm. We ask formally that the pictures we sent you of the recent rain, be added to this file. We request assurance that these pictures be shown to the Subdivision Review Board. The paragraph that begins: "Based on the size of the proposed parcel.....soil disturbance would be less than significant" is very incorrect! We request you reevaluate this statement in light of our well and the major drainage of the water that comes from the steep hill across the street from the project.

Regarding the "will-serve" letter issued to the applicant by Atascadero Mutual Water:

The water company is obligated to serve every residence in its area if requested to do so. With each additional hook-up, the water supply is divided into slightly smaller allocations. (Sort of dividing the pie into smaller pieces.) Thus, every additional user cuts down on the supply available to the existing users. At times of drought, rationing occurs, as it did in the 1980s and again two years ago. To help offset the impact of a second home on what has been a one-home-lot, the county could require the retrofit of the existing home and landscaping with water conserving systems.

13. Land Use- Just because the developer that owns this parcel has filled out an application for a TDC and paid the money does not guarantee acceptance. We, the neighbors feel that this project is inconsistent with the intent of the Salinas River Area Plan dictating a 2.5 minimum acreage. In light of other TDCs in the process of being reviewed and approved within our block we feel that this project and the others are trying to go around innate problems concerning the water, soil, and daily lives of the residents of this neighborhood. We request you reevaluate this project under the land use section and add in the factor of other developers desire to urbanize our rural neighborhood.
14. Mandatory findings of significance- We request you to reevaluate both letters a. and b. within this subsections. This project will affect the quality of the surrounding environment, decreasing livable habitats for our local wildlife. We ask you to thoroughly evaluate what affects this project can have on the local wildlife that live downstream.

Perhaps the biggest issue we have with the project is the cumulative impact of these lot splits in our neighborhood including everything we have before mentioned. TDCs were not meant to be used in South Atascadero. We and our neighbors have lived by the rules for many years. We do not want more

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development of our rural area. The whole of the problem is not just this project but all the other projects that are to follow if this one is approved. We request you to more thoroughly evaluate our neighborhood as a whole unit when making these one by one decisions. In addition to the three TDCs that are coming before you, there is also the big piece of land on Los Palos that is waiting for development. We ask the Planning Department to be more specific with your evaluation to include data about other plans to urbanize our neighborhood.

The last request we have for review include the drainages of Carmel Road and the neighboring steep hillside onto Sandoval. This road is closed yearly due to flooding from properties up hill. We do not feel that this issue has been adequately addressed in the report so that the Subdivision Review Board has a clear picture of the effects of building on Carmel. We ask that you include this into your document.

We are concerned with many areas within this report. We realize that unless you live here you won't know the full environmental impact of further development. At this time we would like to formally request advance notification of any future appeal deadlines and meetings. We are requesting the above information be included into the Environmental report and we would like to be assured that the Sub Division Review Board receives this appeal and has it in time to review before the next meeting where this parcel will be discussed.

Thank you for your attention to our concerns and we look forward to receiving your response to this request for review.

We have enclosed a check in the amount of \$55.00, as required.

Tom and Fran Coughlin

Frances J. Coughlin

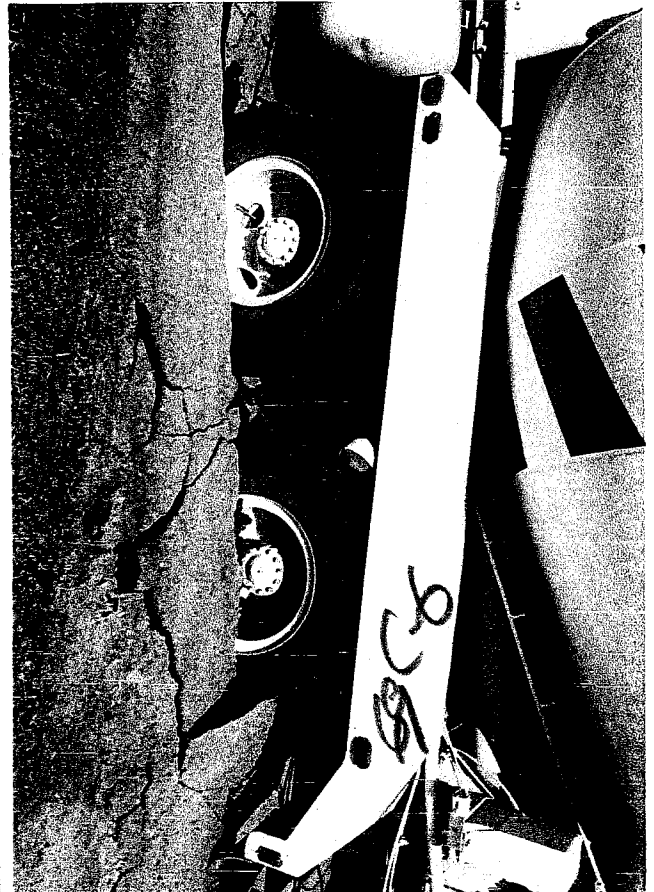
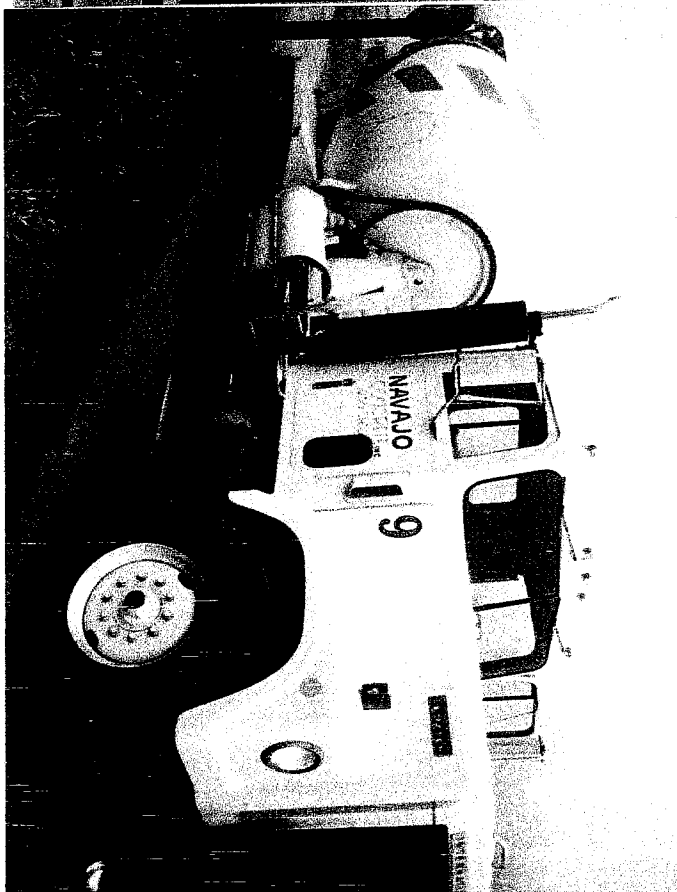
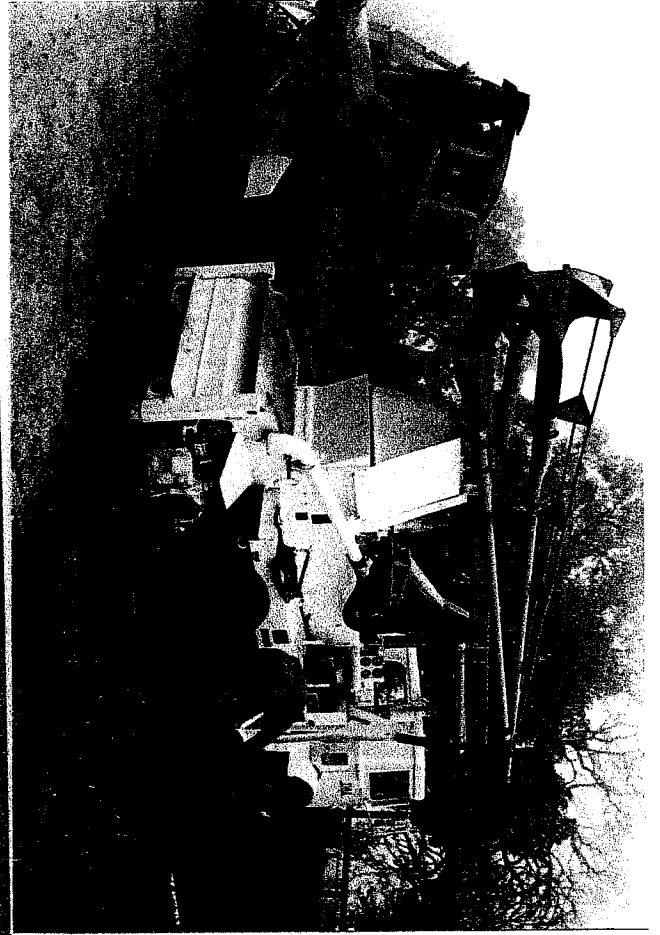
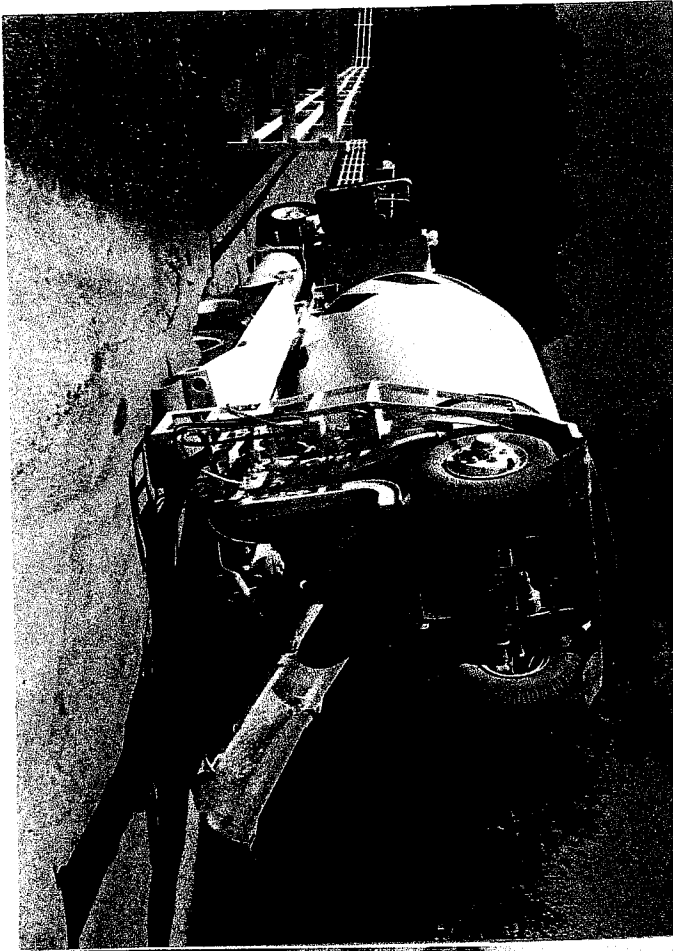
Thomas Michael Coughlin

Signed by F.C.

*Tom is out of country on Business
He has reviewed all these documents
and assisted in writing this
request for review (via Email)*

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9456 Carmel Road Topography and Drainage

Tom Coughlin

9460 Carmel Road

Atascadero, CA

9456

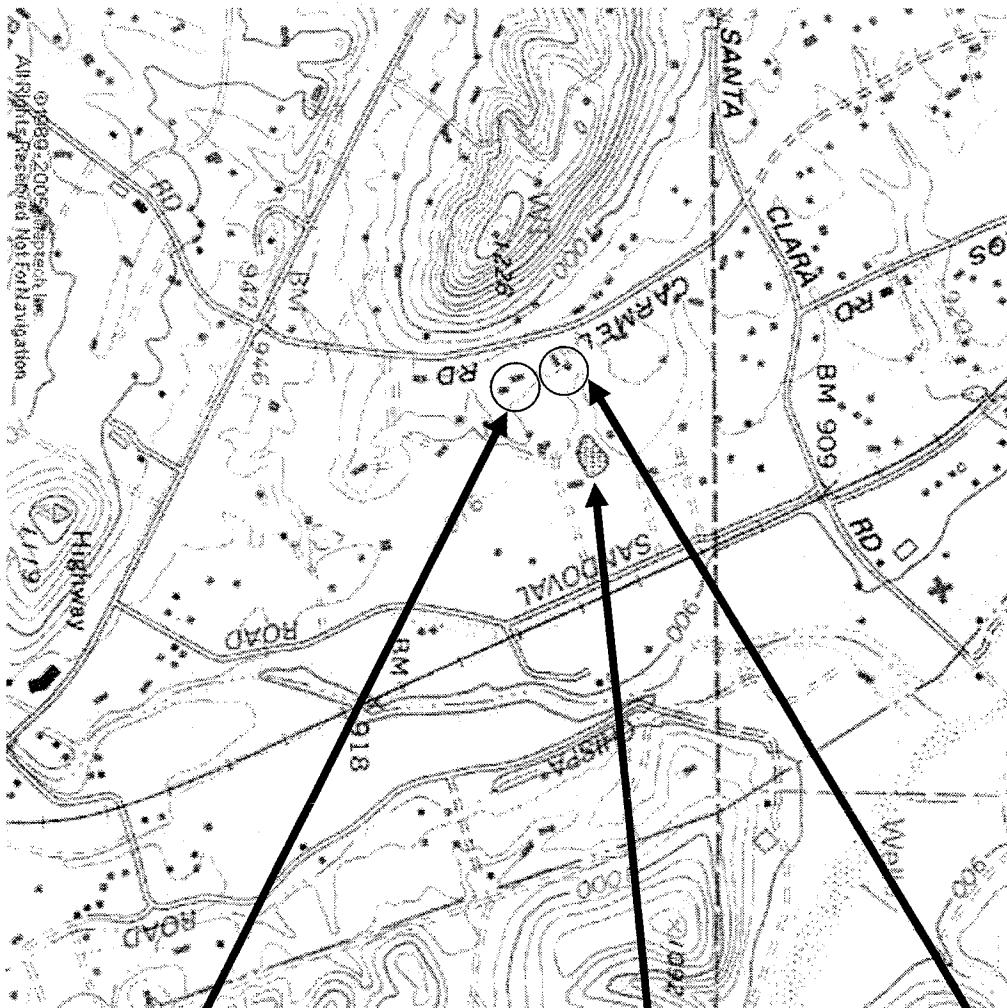
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This is a detailed topographic map of the Carmel, New Mexico area. The map features several roads: Santa Clara Rd running vertically on the right, Carmel Rd curving across the upper middle, Sandoval Rd running horizontally across the center, and Chispa Rd running horizontally at the bottom. A road labeled 'Highway' is on the left. Contour lines indicate elevation, with labels for 900, 910, 920, 940, 960, 980, 1000, and 1220 feet. Benchmarks (BM) are marked with elevations: BM 942, BM 946, BM 909, BM 918, and BM 920. A well is labeled 'Well' on the right side. The map also shows various geographical features like hills and valleys, and a copyright notice in the bottom left corner: '© 1989-2005 Garmin Ltd. All Rights Reserved. Not for navigation.'

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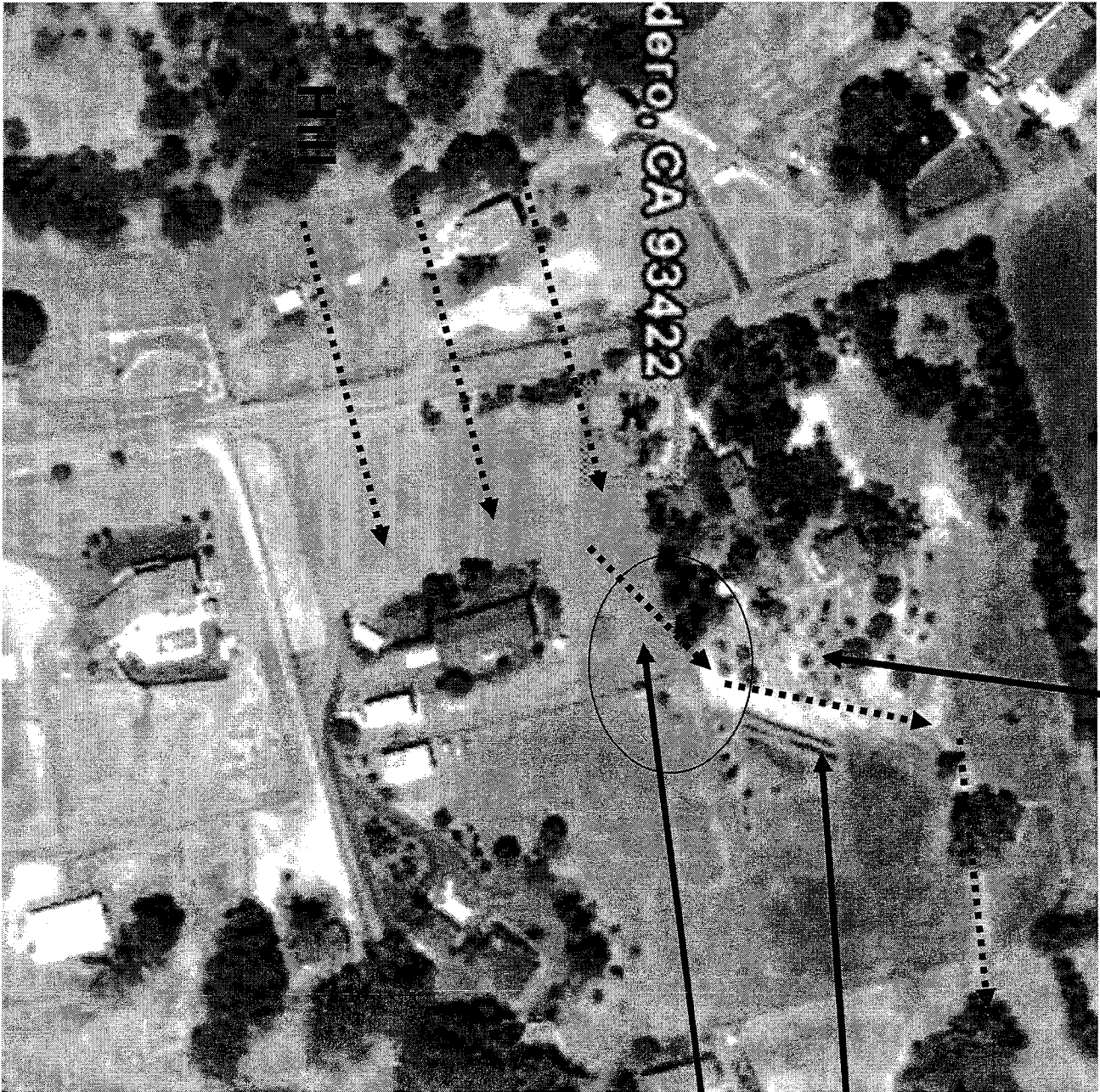
9456 Carmel Road

Pond

9460 Carmel Road

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Orchard

Pond

Grape Vines

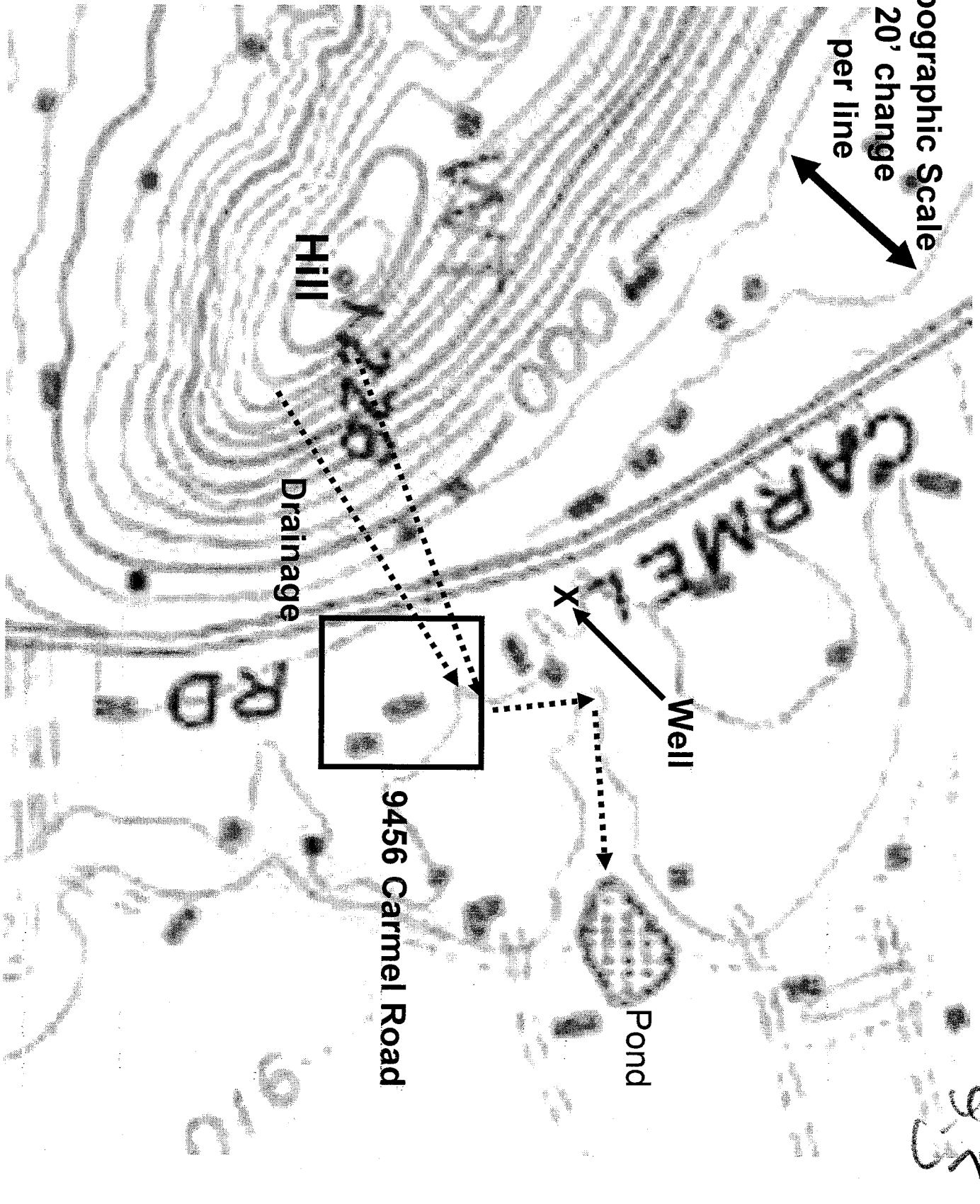
Start of Gully

Direction of Drainage

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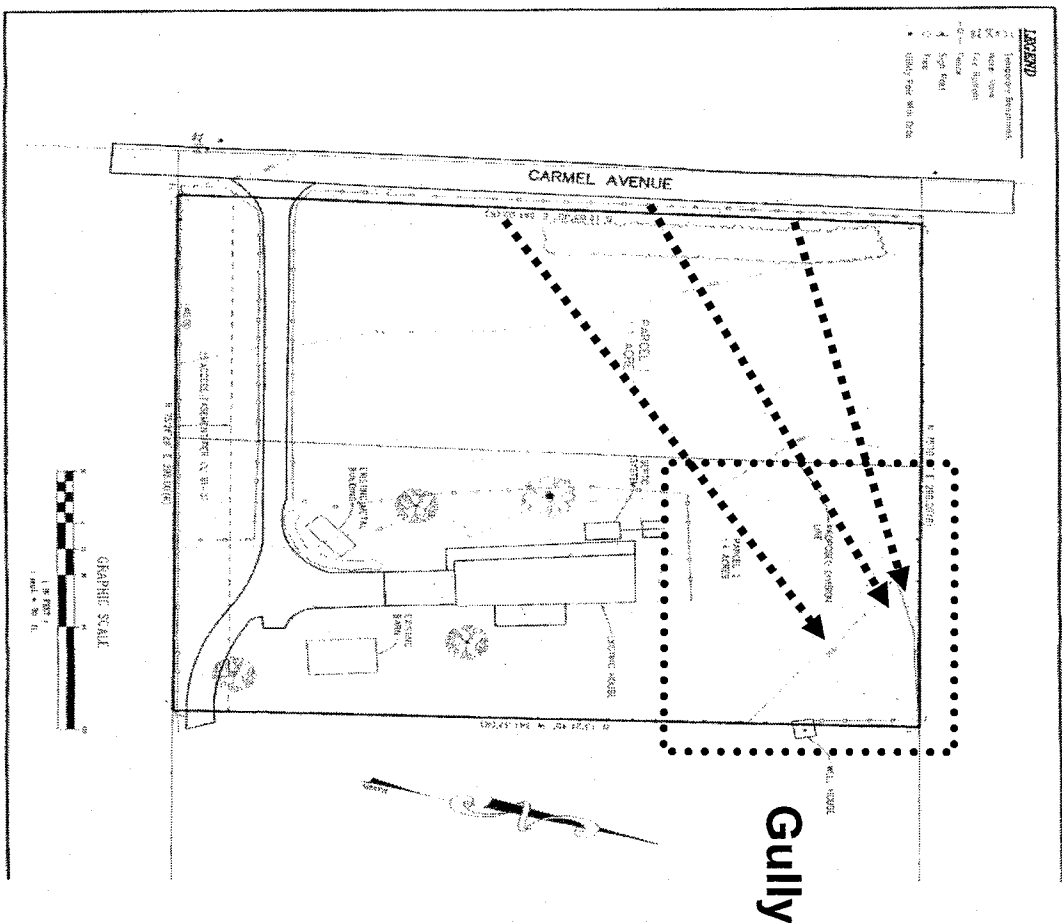
There appears to be close to a 90' drop between The base of the hill and the pond and a 30-40 foot drop across 9456 Carmel Road



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Scanned Image of 9456 Carmel Road from Volbrecht Survey

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Drainage along
fence line coming
from 9456 Carmel
onto 9460 Carmel
property

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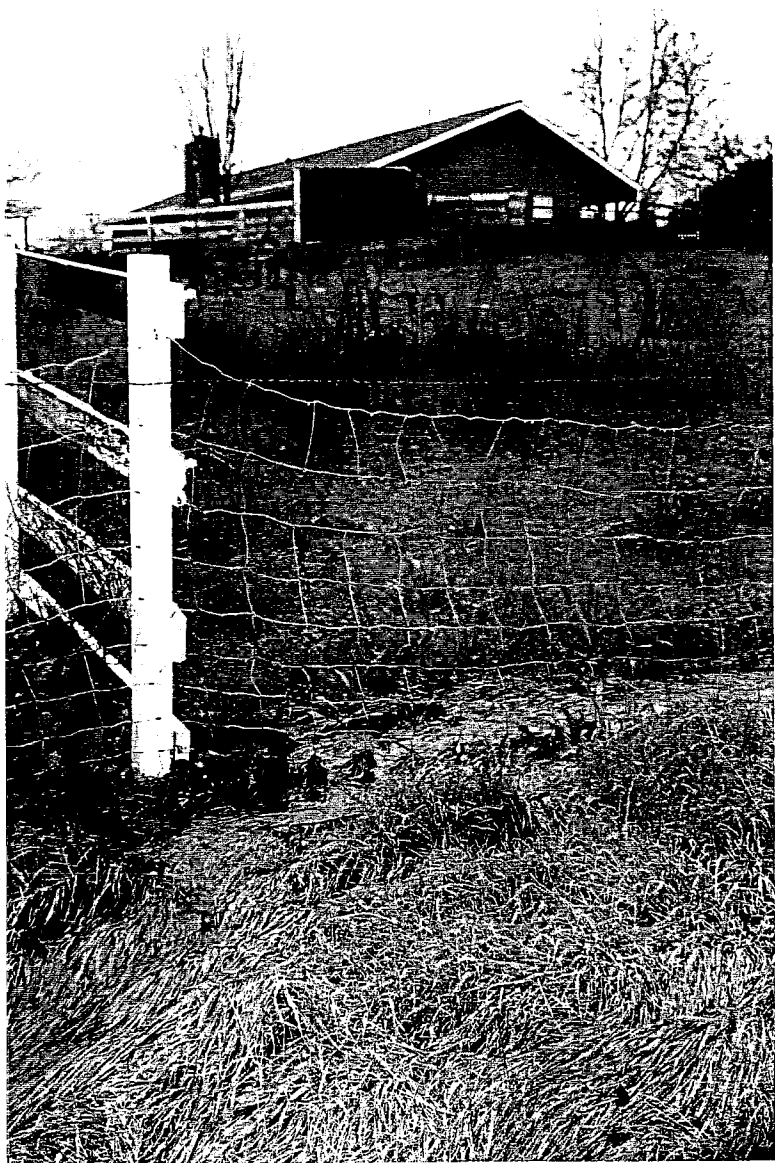
Looking up onto 9456 Carmel
property from 9460 Carmel
orchards



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Where water crosses
onto our property
9460 Carmel



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Water at base of
our property
coming from 9486
property

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Water on 9460 Carmel
property coming from
9456 Carmel

C.B.
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Looking down on flood
plane onto Sandoval
and into the pond



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The pond on residence
@ Sambuaal



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9400 Carmel
Our property -
looking at drainage
from 9456 Carmel

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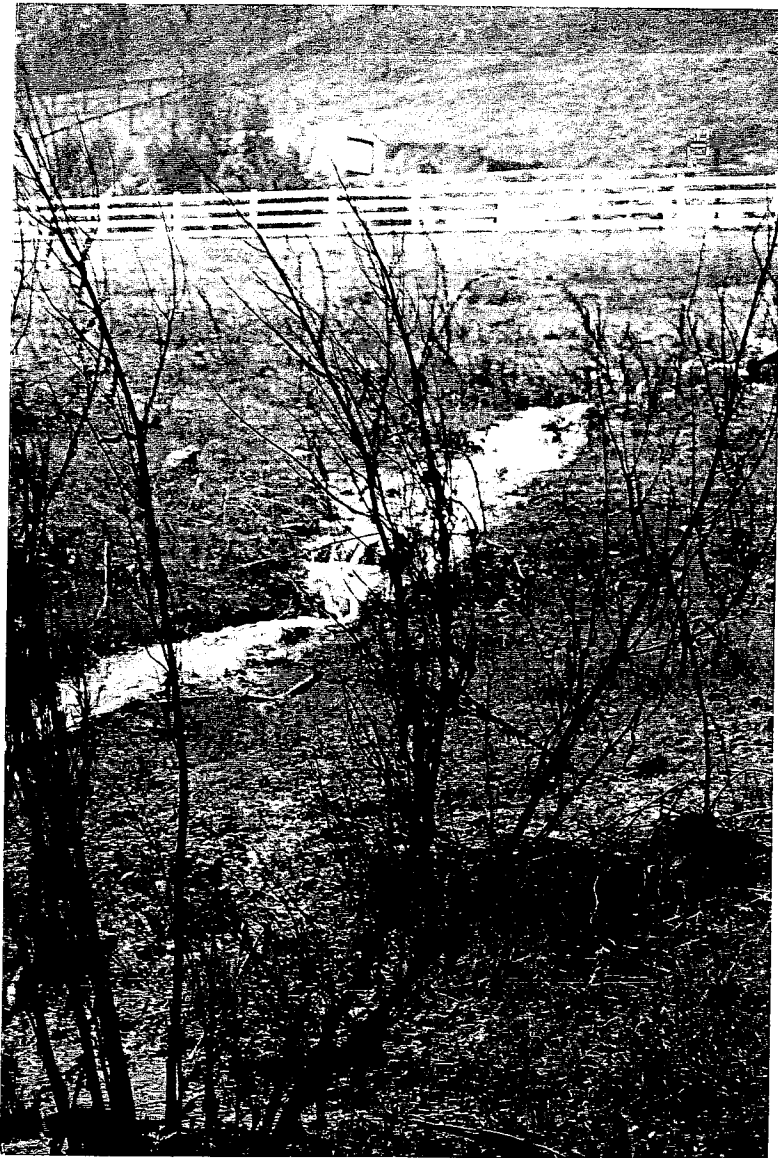
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Looking at drainage
~~flat~~ paths
on 9456 as it
approaches
9460 property

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drainage from
project site
on 9456

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Drainage near 9460 Senceline

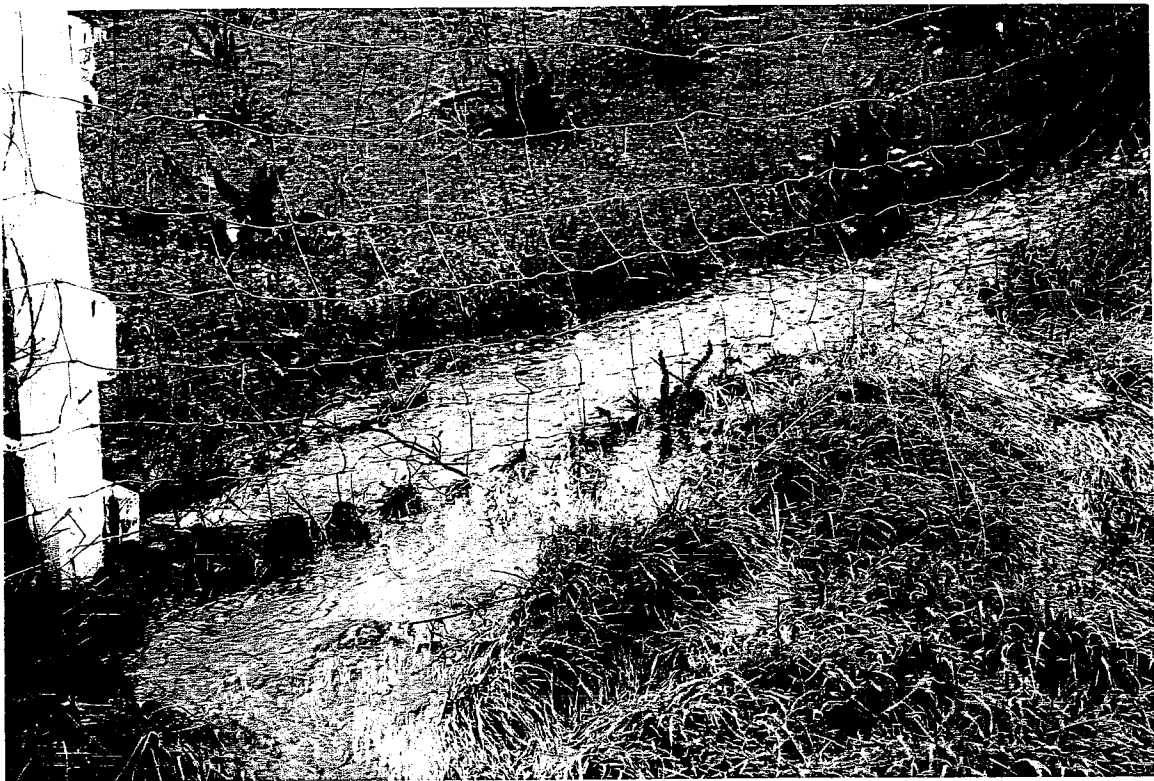
This is water on 9456
side of property
water coming from project site



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water as it crosses the
fence onto 9460 Carmel



Cd
Cg

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Picture looking down onto
the pond (sandyval)
from 9460 Carmel



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Exhibit D

3-73

To: SLO County Planning Department
Attn: Karen Nall
From: Christine & Alan Volbrecht
22375 K Street
Santa Margarita, CA 93453

SLO CNTY
PLANNING/BUILDING
DEPT

2006 APR -3 PM 1:24

Re: 9456 Carmel Rd, South Atascadero
Volbrecht Parcel Map SUB2004-00405
Environmental Determination No. ED05-180

This letter is in response to the request to review the negative declaration, produced by the County of San Luis Obispo for the above referenced project. The review has been requested by Fran and Tom Coughlin, owners of the property adjacent to this property on Carmel Road.

It appears that the Coughlins are having anxious feelings, which we all share, watching the county develop. There is such a demand for housing in this county that projects are everywhere and prices have escalated to the point that most local people could not buy their own homes if they did not already own them.

It is the excessive price of property, in the South Atascadero neighborhood, which prompted us to purchase the above property so that we would be able to subdivide and sell off part of the property to help us to help our daughter and her children afford to live in the area. She could not afford this neighborhood and neither could we. We felt that raising boys in a more rural area was the most desirable situation for the family. Using the TDC program in South Atascadero was the only way we had to create affordable housing for our own family in this area.

We know the TDC program is not perfect and that South Atascadero people do not like anyone who uses the TDC Program to create lots smaller than the current area standard. We hope the Coughlins and their neighbors will realize it is the only way we can afford property in this neighborhood. We hope that they will see that supporting the opportunity for younger families to be in this area is a good action.

We wish to respond to the comments made in the Coughlin's letter:

1. Aesthetics- The topography of the proposed lot is gently sloping. The drainage does run downhill and it does eventually end up in the area of Sandoval. That is the natural flow of the area. No change in the natural flow of surface water will occur in creating a lot. Normal drainage planning for building is always important. We will employ an engineer to evaluate the possible drainage issues.
The site of a structure on the property would naturally be away from Coughlins as the entrance to the lot would be on the far side of the lot from them. This site would not block the view of the house above the road. Further, most of the houses in this area are clustered in the vicinity of the road so the visual impact of another building along the road would reflect the area standard rather than detract from it.
2. Agricultural Resources- Properly installed septic systems are designed to be safe for everyone. The safety issue to the Coughlin' house is the same as the Coughlins' system is to their neighbors below them on Sandoval.
3. Air Quality- The cumulative impact of the air quality of a home on 2.5 acres would be the same as the impacts of the air quality of a home on 1.2 acres. With development comes cumulative impacts. There are over 600 homes being build within 1/2 of a mile of this property. This has significant cumulative impact.
4. Biological Resources- Our family enjoys the wildlife of the area and are stewards of the land. The Coughlins claim that half of the water in the pond comes from this proposed building site. Although some of the water is attributed to our property, the majority of the water comes from properties of higher elevation adjacent to our parcel. Topography of the area suggests that a large portion of the drainage goes through the Coughlin property. Any drainage issues, which may result from building on our parcel will be professionally addressed.

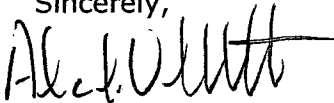
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5. Geology and soils- We do not own horses and have not overgrazed the land. Further, we had diseased trees cut down and replaced them with new drought tolerant trees. There never was an approved all weather road on the property. The new road base driveway has been put in the easement where it should have been placed in 1988.
6. Hazards and Hazardous Materials- We have kept the property grass trimmed and we have removed many truckloads of plant and building debris. The property is much safer than before we bought it.
7. Noise- The zoning for this area is Residential Suburban. We consider the daily sounds of happy families not to be noise.
8. Population/Housing-This lot split is creating affordable housing for our family. The demographics of our county show fewer and fewer of our young families can afford to live here. Our daughter can barely afford a \$300,000 house. If someone in the South Atascadero area were willing to sell their property for \$300,000, we would not need to subdivide this property.
9. Public Services/Utilities- There is water, gas, electric, telephone, and waste pickup services at the property presently. Infrastructure is in place. A new house will have new systems with present building codes. These are less of a fire risk than older structures. Country living does have its challenges when you need police or fire emergency, but this is why good neighbors are important. It is taking responsibility for ones self to make up for response time. Good neighbor relationships are a must in a country setting.
10. Transportation- We have experienced speeding drivers repeatedly on this road. Further, we have had to divert traffic going to the property behind ours because of excessive speed and amount of traffic. Our children were not safe in their own driveway. This is a definite concern, but not one we have created, it exists presently.
11. Wastewater- please see notes under #2. Agricultural Resources.
12. Water- The Atascadero Mutual Water Company will be supplying water to over 600 new residences within the city limits of Atascadero. South Atascadero is on the same water system. The water company has not indicated that there is any problem with water availability and has issued a will serve letter for this project.
13. Land Use- This project has complied with every planning requirement of the County of San Luis Obispo. It has also complied with the increased requirements of a TDC site. Because we own this property and have followed all the prescribed rules for lot split as implemented by our elected officials, we have relied on our system of government and the democratic process to support our project.
14. Mandatory findings of significance- Any lot split in this area will create cumulative impacts on properties surrounding them because it will be change. We saw this change occur when South Atascadero started to get developed in the early days. If we had know then what we know now, the officials might have included this area in the City of Atascadero because the city water extended there, but they did not. This after thought does not help us today to deal with the change that we are required to observe but does give a perspective to this project. This project did not create the change, the project is an outcome of the change which has occurred in SLO County and South Atascadero.

We understand that the Coughlins feel worried about new development. We are happy to talk with them and mitigate their concerns as much as we can. We grew up here and are excited that we can have the opportunity for our children and their children to live here independently. We hope the Coughlins will be good neighbors to new people in their neighborhood in the country tradition.

Sincerely,



Alan Volbrecht



Christine Volbrecht

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